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OBSERVATIONS

ON THE

JUSTIFICATIVE MEMORIAL

OF THE

COURT OF *LONDON.*

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OBSERVATIONS

ON THE

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OF THE

COURT OF *LONDON*.

THE Court of London has juſt publiſhed, under the title of *Juſtificative Memorial*, a miniſterial reply to the explication of the motives of the conduct of the King, with regard to England: If facts, imagined or perverted,

verted, if principles falſe or ill applied, if ſophiſms and injuries are ſufficient grounds to juſtify the proceedings and the accuſations of Great-Britain, it muſt be granted that the Britiſh miniſtry have perfectly well fulfilled their taſk: But the impartial judges to which they have appealed, perſuaded that the King regards his honour, his reputation, and his glory, will, without doubt, have ſuſpended their judgment, until his Majeſty ſhall either have avowed or overthrown the charges which they have ſo liberally made againſt him.

The King, certainly, might have devoted to ſilence and oblivion, all the errors and invectives which make the baſis of the defence of the King of England; and it is with the moſt extreme reluctance that he ſees himſelf under the neceſſity of calling theſe to mind: Nevertheleſs, his Majeſty believes, that he owes it to himſelf to annihilate them, in re-eſtabliſhing the truth of facts, and in explaining the principles and views which have directed all his ſteps. But the King will be careful to avoid taking for his model, the ſtile and the tone of the court of London: As he will ſpeak only the lan-

guage

guage of juſtice and reaſon, his expreſſions will be as ſimple as his ſentiments are moderate; and he flatters himſelf, that the force alone of the truths which he is about to explain, will irrevocably fix the opinion of all the powers.

According to the publication of the Court of London, the King *has forgotten the faith of treaties, the duty of an ally, and the rights of Sovereigns, to apply himſelf only to take advantage of circumſtances, which appeared favourable to his ambitious projects; he* HAS DEGRADED HIS DIGNITY, *in framing ſecret connections with the Americans, and after having exhauſted all the* INFAMOUS *reſources of* PERFIDY *and* DISSIMULATION, *he has dared to avow the ſolemn treaty, which his miniſters have ſigned with the obſcure agents of the Britiſh colonies.----*

Such are the principal accuſations which the Court of London forms againſt that of Verſailles. To put it in the power of the public to judge, with knowledge, of the caſe, it is neceſſary to enter into a detail of the conduct of the King, to draw a parallel between it and that of the Court of London,

to devolope the principles which have directed both : In fine, to overthrow the facts invented by the Britiſh miniſter, to re-eſtabliſh thoſe which he has perverted, to relate thoſe which he has thought proper to omit : In a word, to bring to light a cauſe which intereſts all nations, and which the court of London has diſtorted in the moſt extraordinary manner.

All the powers of Europe muſt agree, that the King has, to the preſent moment, been faithful to the pacific aſſurances which he has not ceaſed to give them ; and the King of England, more than any other ſovereign, could give him this teſtimony, becauſe he has particular proofs of the ſincerity of the wiſhes of his Majeſty, to preſerve the general peace, and he ought to recollect the re-iterated ſteps which he has taken to conſolidate the harmony which ſubſiſted between the Courts of Verſailles and London. But this Prince, or rather his miniſters, who have their faults to conceal, have believed that it would better ſuit their views, their perſonal intereſt, perhaps their ſafety, to ſacrifice truth, and their own opinion, to the neceſſity of

repreſenting

repreſenting all the ſteps of the King as ſo many proofs of perfidy, in accuſing him of having fomented, ſupported, completed the revolution of America, in reproaching him with having taken advantage of the circumſtances that this very revolution offered him, to execute the ambitious projects which they pretend he has in view.

That all the nations to whom the King appeals, as well as the Court of London, may have it in their power to form a proper judgment of the liſt of theſe pretended offences, we will faithfully explain the principles, which have directed the conduct of the King. We will make it to be underſtood, with the moſt ſcrupulous exactneſs, in what manner, at what period, in what conjuncture, and with what views, his Majeſty has formed an alliance with the United States of North-America.

All the world knows, that the Americans had already formed an oppoſition to the attempts of the mother country, when the King took the reins of government; and all the world foreſaw, from that time, either that the Americans would ſhake off the

the Britiſh domination, or that they would yield only to the ſuperiority of forces which might be employed to ſubdue them.

This reflection could not eſcape the ſagacity of the King, and it preſented him with infallible means to obtain, at length, ſatisfaction for all thoſe acts of injuſtice with which he had to reproach England: But his Majeſty did not ſuffer himſelf to be dazzled with a proſpect ſo engaging. He remained a tranquil ſpectator of the quarrel of Great Britain with her Colonies; and the diſtance he preſerved from all that which could make him be ſuſpected of taking part in it, hindred him even from having the leaſt connection with the Americans. Nevertheleſs, the King without putting himſelf in the condition to be juſtly accuſed of ſacrificing all to his ambition, to his injuſtice, to his perfidy, might have taken ſome notice of what are called *Reaſons of ſtate*. Touched with the advantages which the approaching independence of America ſeemed to preſent, he might have thought that it was not only his intereſt, but his duty, to favour that country. Taught by the example which England had given,

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in circumſtances leſs favourable than thoſe of the then Colonies, he would have believed himſelf juſtifiable to imitate her conduct; convinced by a long train of facts, that the Britiſh policy has no other baſis, than perſonal intereſt, the moſt excluſive conveniency, an envious and tyrannical ambition, he might have believed himſelf obliged to render her inoffenſive, by diminiſhing the means of exerting theſe principles. If his Majeſty had effectively followed this ſtep, which has been juſt traced out, is there an enlightened and unprejudiced judge who would have dared to condemn him, and to proclaim him to poſterity as an unjuſt and perverſe ſovereign, as the enemy of the human race?

In the mean time the revolution made the moſt rapid progreſs. The ſpirit which conducted it, ſpread itſelf in all the Britiſh colonies; it excited them to run to arms on all ſides, and the troops which the court of London ſent to extinguiſh it, met with a reſiſtance which they were not able to ſurmount. This ſtate of things could not but augment the courage of the Americans, in ſhewing them that they might take confidence in their own ſtrength.

While, nevertheleſs, they had arms in their hands, and kept the Britiſh, ſo to ſpeak, ſhut up in Boſton, they made a laſt effort to bring their grievances before the King and Parliament of England: They demanded redreſs in a manner which no faithful ſubject would diſavow, and which even, we may venture to affirm, is far diſtant from the tone with which the Britiſh have been accuſtomed to demand juſtice of their ſovereign. It would be, without doubt, ſuperfluous to recal to the memory of the Court of London, the manner with which ſhe received the remonſtrances of the Americans.

At this juncture, as important as delicate, the conduct of the Britiſh miniſtry deſtroyed the little hope the Colonies had entertained until this time, of a juſt and durable reconciliation; and it preſented them with the cruel alternative, either of ſubmitting as guilty of high treaſon, or ſupporting their privileges and their liberty at the expence of their fortunes and their blood. It was eaſy to foreſee, that they would determine on this laſt part; and this extreme reſolution, which the Britiſh conſtitution authoriſed, and which the miniſtry of London had

rendered

rendered neceſſary, knit cloſely the knots which had already united the different Colonies, and produced the famous act of aſſociation, by which the Thirteen Colonies, which compoſe, at this day, the United States, mingled their intereſts, and leagued themſelves againſt Great Britain, which they no longer regarded, but as their oppreſſor.

This act was ſoon followed by another infinitely more important, that is to ſay, that by which the Americans declared themſelves Independent of that power. There is no one who does not recollect that the patriotic party in England had continually announced this event; for they conſidered it as an infallible conſequence of the anti-conſtitutional meaſures, which the Council of St. James were obſtinate to put in execution. France had not any part in the ever memorable ſtep of the Americans; the King, at the period in which it took place, had no connection, direct or indirect with them; his Majeſty, did not even employ an emiſſary in America; he had no knowledge of the declaration of Independence but by the voice of England, and, afterwards

wards, through the channel of the Sieur Deane, who had juſt arrived in France.

The ſojourn of this American in the kingdom, introduced a new courſe of affairs; for, it was at this period that the court of London began to develope her principles, and her pretended cauſes of complaint. She took umbrage at the preſence of the Sieur Deane, even before ſhe had an equivocal ſtep to allege; not only did ſhe perſuade himſelf that this American was charged with a ſecret commiſſion, but, deceived by her own principles, ſhe ſuſpected, in like manner, that the King had liſtened to his propoſitions: It is this, without doubt, that ſhe means to ſay, when ſhe accuſes his Majeſty of not having been aſhamed to *degrade his dignity in forming ſecret connections with rebellious ſubjects.*

It is certain that the Sieur Deane was charged with two commiſſions; one to eſtabliſh commercial connections between the ſubjects of the King and the Americans; the other, to propoſe to the King, not only a treaty of commerce, but alſo an alliance, conceived in the moſt extenſive terms.

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The King could, aſſuredly, without degrading his dignity, without violating treaties, without injuring the rights of ſovereigns, liſten to the overtures of the American Agents; his Majeſty liſtened to them in reality; but he gave the Sieur Deane to underſtand that his intention was not to form political connections with the Colonies; he refuſed not only to receive the plan of the treaty which this American preſented to him, but alſo to acknowledge the quality of Commiſſioner, which the Congreſs had given him; and he limited himſelfto give to the Sieur Deane, as an individual, the ſame retreat, and the ſame protection which all ſtrangers enjoy, who reſide in the kingdom. This conduct might diſpleaſe the Court of London, but ſhe had ſo much the leſs right to cenſure it, as ſhe has actually ſtill in her kingdom, one whom, according to her own principles, ſhe muſt account a chief of rebels, in her pay. Nevertheleſs, the Britiſh miniſtry conſidered it as an infraction of treaties, and their irritated pride blinded them ſo much that they ordered the Viſcount Stormont to demand the Sieur Deane, as a rebellious ſubject, or at leaſt to inſiſt on his expulſion from the dominions of his Majeſty: The

public will form a judgment of a ſtep ſo inconſiderate; and the King has, without doubt, no need to juſtify the refuſal which his anſwer contained.

The ambaſſador of England, chagrined by the determination of the King, which, nevertheleſs, he muſt have expected, gave, without doubt, the complexion of his bad humour to the information which he communicated to his court: It is at leaſt certain, that he gave it to his conduct; for he eſtabliſhed in all the ports of the kingdom, an indecent, ſcandalous, and unexampled prying into all affairs. Every veſſel which was equipped, cloths and warlike ſtores purchaſed, all, according to his emiſſaries, were on account of the Americans. The perpetual complaints, which were the conſequence of theſe informations, were examined with as much celerity as exactneſs; they were found, almoſt always, deſtitute of foundation, and the very ſmall number of which any proof was given, was followed with a prompt reparation.

This is the place to explain the nature of the complaints, and the demands of the Court of London.

don. This Court opened the ſcene by demanding that the King ſhould prohibit his ſubjects all kind of connection and commerce with the Americans; that he ſhould prohibit them, eſpecially to ſell to theſe arms and warlike ſtores; that he would puniſh them in caſe of tranſgreſſing this prohibition; that he would prevent the American privateers from ſelling their prizes, and even that he would treat them as pirates, in forbidding them an entrance in his ports.

The King deſired ſo much to maintain a good underſtanding with the Court of London, and he was ſo far at that time, from treating with the Americans, that he admitted the greater part of the demands which have juſt now been mentioned: His Majeſty prohibited, very ſeverely, the exportation of arms and of warlike ſtores, provided they were intended for North America; he prohibited the American privateers to ſell their prizes in France, and his ſubjects to purchaſe them; and he did not permit theſe privateers to remain in the ports of his kingdom, but the time preſcribed by the treaty of Utrecht, and under the expreſs conditions laid down in this treaty. Nothing can better prove the exact-

neſs

neſs with which theſe orders of the King were executed, than the repeated repreſentations of the Deputies of the Congreſs, and the diſcontent which was carried to America, amongſt others, by the Sieurs Hodge, Cunningham and Wickes (*a*).

But

(*a*) The Sieur Cunningham, Captain of an American armed veſſel, after having waſted the Britiſh commerce, entered the port of Dunkirk. He there diſarmed his veſſel, and declared that he was about to load with merchandiſe, for one of the ports of Norway. As this declaration appeared ſuſpicious, ſecurity was demanded of Cunningham; he preſented two, the Sieurs Hodge and Allen, both Britiſh. Cunningham ſailed in reality from the port of Dunkirk without being armed; but clandeſtinely, and in the night, he cauſed ſeamen, guns, and warlike ſtores to be put on board his veſſel, which was in the road: He ſet ſail, and in a ſhort time, made prize of a Britiſh packet-boat, the Prince of Orange. As ſoon as the French government was made acquainted with the fraud of Cunningham, they cauſed the Sieur Hodge, one of his ſecurities, to be arreſted and conducted to the Baſtile; and the packet-boat was reſtored to the Court of London, without further trial, becauſe the offence of Cunningham was evident and public.

With regard to the Sieur Wickes, Captain of an American armed veſſel, he had made two conſiderable prizes; but before he carried them into the port of Nantes, he had opened the hatches, either to examine the merchandiſe, or to make ſale

of

But while the Court of London heaped complaints upon complaints, and the King was earneſt to ſatisfy her, not only by acts of juſtice, but alſo by acts of complaiſance, of which he had laid down to himſelf a ſyſtem of carrying to the higheſt degree, the Britiſh Captains conducted themſelves in a manner the moſt violent and arbitrary, towards the French veſſels; inſtead of following, with reſpect to them, the forms preſcribed by the treaties, they obliged them to bring to, at the diſcharge of a gun loaded with a bullet (*b*); and

of them clandeſtinely. As this proceeding was contrary to the text of treaties and ordinances, the two veſſels in queſtion were confiſcated to the King's benefit; but his Majeſty cauſed them to be reſtored to the Britiſh proprietors.

(*b*) When veſſels of war meet, on the high ſeas, veſſels which appear to them ſuſpicious, cuſtom authoriſes them to give them warning, and to oblige them to bring to: They diſcharge, for this purpoſe, a gun loaded with powder; and diſobedience alone, if it is preſumed voluntary, will juſtify them in loading with a bullet. Such is the practice of all narions: But the Britiſh officers accuſtomed to an arbitrary conduct, and above all to impunity, tranſgreſs daily this rule; and a conduct ſo intollerable excited complaints ſo much the more frequent, as it produced almoſt always exceſſes and diſaſters. But the Britiſh miniſtry

with armed force (*c*) they cauſed the Captains to come

niſtry, far from finding thoſe complaints juſt, and paying attention to them, approved, on the contrary, the conduct of the Britiſh officers, in maintaining, contrary to notoriety, that the cuſtom of diſcharging with a bullet was received, and even innocent. It is left to all commercial nations to form a judgment of ſuch juriſprudence.

(*c*) To form a proper judgment of this grievance it is requiſite to call to mind the 24th article of the treaty of Utrecht; the purport of it is as follows: "In caſe the ſhips of the ſubjects and inhabitants of both their moſt ſerene royal Majeſties, either on the ſea coaſt, or on the high ſeas, ſhall meet with the men of war of the other, or with privateers, the ſaid men of war and privateers, for preventing any inconvenience, are to remain out of cannon ſhot, and to ſend a boat to the merchant ſhip, which has been met with, and ſhall enter her with two or three men only, to whom the maſter or commander of ſuch ſhip or veſſel ſhall ſhew his paſſports, concerning the property thereof, made out according to the form annexed to this preſent treaty; and the ſhip which ſhall exhibit one, ſhall have free paſſage, and it ſhall be wholly unlawful any way to moleſt her, ſearch, or compel her to quit her intended courſe."

It is according to theſe regulations, that we ought to judge of the following facts.

1. The Sieur Ango, Captain of the brigantine the Renommee, was

come on board, and not ſatisfied with the regularity of

was met September 4th 1777, by a Britiſh letter of marque. This laſt ſent on board the French veſſel her Surgeon and ten men, all armed with muſkets, piſtols, and cutlaſſes, cauſed the crew to be ſeized, and the Captain to be carried off, during the abſence of whom the French crew experienced the moſt ſevere injuries. They pulled down the partition of the cabbin, broke the Captain's cheſts, his boxes, his deſks; they overturned every thing, and ſeveral articles were carried off. All theſe outrages were continued during the ſpace of four hours; after which Captain Ango recovered his liberty. This grievance was laid before the Court of London, November 7.

2. July 13, 1777. The Sieur Tercenier, commander of the veſſel, the Marie of Dieppe, in the mouth of the cape, fell in with a Britiſh veſſel of thirty or forty men. After having ſuſtained a continual fire of muſketry, ſhe was boarded. Fourteen or ſifteen men, armed with cutlaſſes and piſtols, boarded the French veſſel, and obliged the crew, by blows with the flat ſides of their cutlaſſes, to retire below. A Britiſh officer, took the command of the Marie, and made uſe of her for the ſpace of two hour, to give chaſe to a French ſchooner, which he obliged to run down to a Britiſh frigate, at the diſtance of four leagues to windward, by which it was ſearched, and not ſet at liberty, but at the end of ſix hours.

3. The Sieur Chandeau, Captain of the ſhip Philip, Auguſt 23, 1777, fell in with a Britiſh ſloop, which carried guns; hoiſted

of the naval papers, as preſcribed by the treaties, they

ed, at firſt a French flag, and in a moment after, having hoiſted the Britiſh flag, which ſhe confirmed by a cannot ſhot, diſcharged immediately three guns with bullets, which were followed with ſix others, which ſtruck the rigging; they called out to the French veſſel to come on board the ſloop, while this laſt continued to fire from time to time, cannon ſhot with bullets. The French boat was ſent to the Britiſh veſſel, with four men, the maſter, and an officer; but theſe ſix men were immediately ſent to the hold. The French boat returned with a Britiſh crew armed, who commanded Captain Chandeau to go on board the ſloop, or otherwiſe they would ſink him. While the Captain was on board the Britiſh veſſel, the commander of this laſt ſent to pillage the Phillippe: they carried off firelocks, ſwords, papers, guns, proviſions, ſugar, coffee, gold and ſilver, alſo the effects found in the trunks of the Sieur Chandeau, amounting to the value of five thouſand five hundred and ſixty-five livres *. The Captain was afterwards ſent on board; but before this, the Britiſh Captain had robbed him of his watch. On his return to his veſſel, the Sieur Chandeau found the Britiſh nailing up the three guns which remained.

4. The Sieur Maſſie, Captain of a veſſel, the Bon Paſteur, coming from Martinico, Dec. 21. 1777, off Cape de Gate, fell in with a Britiſh frigate, the Weſtmoreland. This frigate, after having fired a cannon ſhot with a bullet, came up to the Bon Paſteur,

* £ 287 : 4 : 9 Sterling.

they ſearched, they overturned, and pillaged the cargoes (*c*). There ſailed ſcarcely one veſſel from

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the

Paſteur, ſent to her in the boat ſix men armed, each with two pair of piſtols and a cutlaſs. Entring on board, they put a piſtol to the throat of him at the helm, took poſſeſſion of the helm, and the command of the ſhip, and obliged the Captain to go on board the boat, ordering him to carry with him all his papers. The Commander of the Britiſh frigate having received the papers from the Sieur Maffie, inſtead of examining them put them into his deſk, telling the French Captain, that he was perſuaded he had not come from Martinico, but from New-England, that his lading was certainly tobacco, rice, wheat, &c. and that he was about to carry him to Mahon, to make an exact ſearch of his veſſel. It is to be remarked, that the Baron D'Arbaud of Jouque, Major General of Martinico, was on board the Bon Paſteur, as a paſſenger. This officer was ordered on board the frigate; they obliged him to undergo an examination; and they offered him the half of the cargo, if he would declare, that the veſſel was loaded with merchandiſes from New-England. Finally, the Britiſh officer determined to diſmiſs the Baron D'Arbaud and Captain Maffie; but this laſt, on his return on board, found every thing in the greateſt diſorder. This affair, laid before the Britiſh miniſtry, was remitted to the Admiralty.

(*c*) See the preceeding note :---To the facts which it contains we may add farther, the depredations and the pillaging experienced, 1. By the Sieur Laine, Captain of the ſhip Victor.

2. The

the French iſlands, which was not obliged to ſubmit to this deſpotic inquiſition. A multitude of deciſions given in the Britiſh iſlands, had adjudged prizes to the Britiſh captors, the illegality of which was evident (*e*); the Vice-Admiralties of theſe

2. The Sieur Falouard, Captain of the ſhip Ceſar. 3. The Sieur Vincent, Captain of the ſhip L'Eſperance. 4. The Sieur Bodinet, Captain of the ſhip L'Incognito. Add to theſe, twenty-three declarations of Captains pillaged, and mal-treated.

(*e*) 1. The ſhip Providence, Captain Poiterin, ſailing from the Cape, Auguſt 16, 1777, was taken the day after, and judged lawful prize at Jamaica, under the pretext that a quantity of wine found on board was intended for the Americans.

2. The ſhip Trader, equipped from St. Domingo, for Martinico, was taken in the latitude of Jean Babel, on the coaſt of St. Domingo, and carried to Jamaica, where ſhe has been adjudged to confiſcation.

3. The boat, the Poſtilon was taken a league from St. Domingo, and her cargo was ſold.

4. The ſhip Joli-Cœur, laden for St. Domingo, carried to New-York.

5. The ſhip Pompee, taken in the latitude of Finiſterre, and carried into Gibralter.

6. The

theſe iſlands had gone ſo far as to declare lawful prize, veſſels which were loaded with commodities purchaſed in the French iſlands, becauſe theſe ſame commodities were preſumed to be the production of North-America (*f*); and others brought to, on the ſea had unexceptionable merchandiſes, but which might ſuit the Americans (*g*). The Britiſh privateers had violated the domain of the King in Europe (*h*), and in America (*i*); a great number of

6. The ſchooner Eſperance, from St. Peter for Martinico, carried to New-York.

7. Twenty other veſſels taken and confiſcated on a ſimple ſuſpicion.

(*f*) The ſhip L'Aimable Reine, laden with tobacco and indigo.

(*g*) Theſe veſſels were above twenty in number: None of them were laden with arms or with warlike ſtores; all were bound for the French American iſlands.

(*h*) A Britiſh privateer, which had hoiſted an American flag, took, towards the end of the month of Auguſt, 1777, eighteen American veſſels in the river of Bordeaux. In laying this violation of domain before the Britiſh miniſtry, it was obſerved to them, that an outrage of this kind could not be too ſpeedily repaired; and that in tolerating it, they would ſet a very bad example

of French veſſels had been confiſcated, only becauſe their

example to the Americans. The Britiſh miniſters themſelves judged that the fact in queſtion merited the moſt ſerious attention; nevertheleſs, the repreſentation of the King's Ambaſſador was not followed with any reparation.

2. December 1777, a Jerſey privateer called the Revanche, carried off an American veſſel taken near the point of Croific. This fact was laid before the Britiſh miniſtry, as a manifeſt violation of the law of nations, and an inſult to the ſovereignty of the King, and the American veſſel was demanded; but the King could obtain ſatisfaction on neither of theſe ſubjects.

(*i*) In the courſe of the month of December, 1777, the Britiſh frigates the Maidſtone and Squirrel had driven aſhore an American veſſel in the bay of Jean Babel, in the iſle of St. Domingo. They fired with a bullet on a guard-houſe, and on a habitation of fiſhermen: Thirty men in a ſhallop, diſcharged a continual fire of muſketry on the guard-houſe; they came aſhore; they took poſſeſſion of a battery, the guns of which they diſmounted; they advanced on the land in purſuit of the Americans, and they burnt the batteau. The two frigates had carried a French flag, and did not hoiſt that of their nation, until the moment when the American veſſel was on fire.

3. A third Britiſh frigate was guilty nearly about the ſame time of a violation of domain, in purſuing, on the coaſts of Guadaloupe, an American veſſel, and in landing her men to purſue the crew which had quitted the veſſel.

Theſe

their cargoes might ſuit the Americans (*k*); and there

 did

Theſe facts and many others almoſt of the ſame nature, were to no purpoſe laid before the Britiſh miniſtry.

3. A French veſſel named the Amitie, loaded at St. Pierre with cod-fiſh, ſalmon, and ſeveral other unexceptionable merchandiſes, intended for St. Lucia, was purſued as far as the bay of this iſland, by a Britiſh frigate, who diſcharged twelve ſhot at the half diſtance of gun ſhot of the cannon on the land, without having ſhewed her colours, and what nation ſhe was of. The French veſſels being, April 5, 1777. in the road of the bay, the Britiſh commander ſent two tenders to carry her off, which the hands of the tenders effected by cutting her cables; they fired ſeveral muſket ſhot on a ſloop of the King, which had come, though too late, to the aſſiſtance of the veſſel. This fact was laid before the Britiſh miniſtry; Lord Weymouth was convinced that it demanded a ſtriking reparation, but it has never yet taken place; they contented themſelves to reſtore the veſſel.

Captain Keelar commanding the frigate Lynx, carried off two veſſels of his nation which were at anchor in the road of St. Pierre, in Martinico, June 28, 1776. The puniſhment of this officer was demanded; the Britiſh miniſtry promiſed to conſider his offence: They were put in mind of it; they made new promiſes: Nevertheleſs, there has been nothing more heard of a reparation.

The

did not exiſt any way of appeal, to procure a redreſs of the iniquitous deciſions of the Vice Admiralties: They promiſed without end, but always without effect, the eſtabliſhment of a Commiſſion (*l*). This is what the author of the *Juſtificative Memorial* calls general and equivocal accuſations, the ſtudied obſcurity of which bears the character of ſhame and artifice; this is that which he calls vague and obſcure complaints; theſe are the phantoms which the author of the Memorial of the Britiſh Court has thought himſelf obliged to combat.

The

The Britiſh veſſels, in their ſtation in the Weſt-Indies, eſtabliſhed their cruiſing, even oppoſite our roads; they came daily under our forts, without hoiſting their flag; they chaſed the American veſſels under the very guns of the batteries; and they fired on our own veſſels to oblige them to come to. The repreſentation of theſe facts was followed with the moſt poſitive promiſes of the puniſhment of the officers in fault; but there is reaſon to believe that they have not even reprimanded them; for they did not alter their conduct until the veſſels of the King had obliged them to keep at a diſtance.

(*k*) See note (*g*).

(*l*) No commiſſion to receive appeals was eſtabliſhed at the period when the Marquis de Noailles withdrew from the Court of London.

The King ought naturally to ſuppoſe, that his exactneſs to do juſtice on the complaints of the court of London when they were aſcertained, would lead her to follow his example; and we are, without doubt, tempted to believe, that his Majeſty had nothing to deſire in this reſpect, after the aſſurance given in the *Juſtificative Memorial*, "That it would be eaſy to give ſatisfactory anſwers, or rather to repeat thoſe which have been already given, and to demonſtrate thereby to the eyes of France herſelf, the moderation of the King of England, his love of juſtice, and the ſincerity of his diſpoſition to maintain the general tranquillity of Europe." But this Court, inſtead of obſerving the conduct, the merit of which ſhe dares to aſſume, a conduct which juſtice preſcribed to her, and which we may affirm, conjunctures ſeemed to ſuggeſt to her prudence, this Court contented herſelf with vague and fruitleſs aſſurances of her good will, and inſtead of ordering the reparations which the King had a right to expect, the Britiſh miniſtry uniformly referred to the Admiralty, there to be buried and forgotten, all the repreſentations made by the Ambaſſador of his Majeſty. What is aſtoniſhing is, that at the very time

the

the Court of London paid ſo little regard to the juſt demands of the King, ſhe charged her Ambaſſador at the Court of France, to make new remonſtrances againſt the favours pretended to be granted to the Americans. According to him the three privateers of that nation, the Repriſal, the Lexington, and the Dolphin, had carried into the ports of France veſſels taken on the coaſts of England, had returned to ſea after having repaired their damages, had re-entered the ports of France with new prizes, had been allowed publicly to make ſale of them; other privateers had received permiſſion to arm in the ports of the kingdom: In one word, Lord Stormont renewed all the complaints which had already been made to the Miniſtry of the King, although he had received on all of them anſwers which ought not to have left his zeal any thing farther to deſire. It is in ſpeaking of theſe facts, all of them either falſe or exaggerated, that the Britiſh miniſters affirm, *that the Agents of the Colonies, encouraged by the miniſtry of France, had formed and executed the audacious project of eſtabliſhing a place of arms in the kingdom; that their aſſociates had equipped veſſels which they had armed, to cruiſe even on the coaſts of*

Great-

Great-Britain; that to ſave appearances the Captains hoiſted the pretended American flag, although the crews always conſiſted of a large number of Frenchmen, who embarked with impunity under the very eyes of the Governors and other officers of the maritime provinces, who now conducted themſelves with no other intention, but to conform to the views of the miniſtry.

According to the Engliſh Memorial, Lord Stormont, in executing the orders juſt mentioned, ſo far forgot the regard and reſpect due to the King, *as to ſummon him to an explanation of his conduct and his intentions, without delay and without ſubterfuge; and to propoſe to him in the name of his maſter, the alternative of peace or war.* Lord Stormont, it is true expreſſed himſelf with a warmth or rather an exceſs of paſſion, little becoming the place * in which he ſpoke; but the Count de Vergennes interrupted him, by obſerving coolly, that if what he had juſt ſaid was the object of his commiſſion,

* The apartment of the Secretary of Foreign Affairs, in the King's palace.——*Tranſlator.*

and his Court had ordered him to make a declaration of war, he ſhould immediately go and report it to the King; adding, at the ſame time, that he, Lord Stormont, was too well acquainted with the rights and dignity of ſovereigns not to conceive what his Majeſty's anſwer would be. By this language, pronounced with equal moderation and firmneſs, Lord Stormont was brought to himſelf; and ſtruck with the friendly leſſon he had juſt received, he entreated the Count de Vergennes in the moſt preſſing manner, to regard every thing he had advanced as if it had not happened, and reſumed with a tone ſuited to his character, and that of the King's miniſter, the buſineſs which was the object of his miſſion: This ſcene took place on the 8th of July 1777. It is with regret that it is here related, but the dignity of the King requires it no leſs than truth.

For the reſt, it is difficult to conceive from what motive and with what view the Britiſh miniſtry have thought fit to uſe the arrogant language which they put into the mouth of Lord Stormont; they did not ſurely perceive, that they thereby deſtroyed the

the pompous diſplay they had juſt made of the moderation of the King of Great-Britain, of his extreme love of peace, and of his anxious deſire to preſerve it: They did not perceive, above all, that they forgot, or rather that they committed an outrage on the dignity of their own ſovereign, by leading the public into a belief, that a great power may be braved and provoked with impunity.

Whatever may have been the intention of the Britiſh miniſters in ſuppoſing that Lord Stormont had made a declaration of war againſt France, the King, to whom an account was given of the repreſentations of the Court of London, without making mention of the propoſition diſavowed by Lord Stormont, directed the following anſwer to be given to the Engliſh Ambaſſador: "That his Majeſty, "faithful to the obſervance of treaties, will per- "mit nothing that might derogate from them; and "that ſenſible to the complaints brought againſt "the irregular conduct of the three American pri- "vateers, the Repriſal, the Lexington, and the "Dolphin, he will expreſs his diſſatisfaction, by "ordering ſuch of theſe privateers as ſhall be found

"in

" in the ports of the kingdom to be ſequeſtred, in " order to be retained until ſufficient ſecurity ſhall " be given for their returning directly to America, " without giving further diſturbance to the Europe- " an ſeas; that orders have been renewed, not on- " ly for prohibiting the ſale of prizes which the " ſaid privateers or others may have carried in, or " ſhall hereafter carry in, but alſo for obliging " them to depart as ſoon as the winds and the cir- " cumſtances of the weather ſhall permit; that the " ſame order extends to every captor indiſcrimi- " nately, and that the officers appointed for that " purpoſe are enjoined to enforce it with the utmoſt " rigour, on pain of anſwering for it in their own " names; that they are likewiſe enjoined to take " eſpecial care that the facilities allowed to the trade " of the Americans, do not exceed thoſe incident to " lawful commerce; that if any Britiſh ſubjectthinks " he hath juſt ground of a perſonal action againſt " either of the aforeſaid privateers, the courts of " juſtice are open to him, law, and not authority " deciding prviate controverſies in France, as well as " in England." This anſwer was accompanied with ſome remarks on the multiplied complaints which had

had been fruitleſly made to the Court of London ; they imported that the readineſs of his Majeſty to redreſs the grievances of that Court, gave him reaſon to think, that the King of England will, " on " his part, pay the ſame attention to remove all ſub- " jects of complaint, and give orders to put a ſtop " to the vexations, to which the commerce of his " Majeſty's ſubjects are frequently expoſed ; that " his Majeſty does not intend either to encourage or " to protect them in a trade prohibited by treaties ;" but that he could not conſent, " that under " colour of frivolous diſtinctions, veſſels and car- " goes ſhould be taken and confiſcated, their crews " mal-treated and impriſoned, under pretence that " there were found on board, goods and merchan- " diſes, that were or might be of the growth of " North-America, that a juriſprudence of this na- " ture can be reconciled neither with juſtice, nor " with the friendly aſſurances of the Court of " London."

The King did not confine himſelf to make known to the Court of Britain, by means of Lord Stormont, his ideas on this ſubject, but likewiſe

ordered the Marquis de Noailles to deliver the memorial containing theſe to the Britiſh miniſtry, and at the ſame time to make ſome obſervations on the principles by which the two Courts ought to direct their conduct: There is one of theſe which ought eſpecially to be mentioned, as it proves the ſincerity with which the King believed he ought to explain himſelf to the Court of London; and as it will ſhew what weight ought to be laid on the reproach of *diſſimulation* and *artifice*, which the Britiſh writer caſts on his Majeſty's miniſters: The King of England pretends, that to prevent the lading of arms, the King ought to prohibit to his ſubjects indefinitely, the exportation of them, and order thoſe to be puniſhed who ſhould give falſe deſtinations. To a pretenſion ſo inconceivable, his Majeſty's ambaſſador was ordered to anſwer: "That "warlike ſtores are as much a part of lawful com- "merce as any other merchandiſe, when they are "not intended for a country at war with another; and that it is only with reſpect to nations at war, "that they can be conſidered as contraband; that "at all times it has been permitted to export them "to our Colonies, to Africa, and wherever com-

"merce

" merce could be carried on; that under any farther
" reſtraint, our manufactories of arms would ſoon
" be without employment and without artizans;
" that with regard to falſe deſtinations, it is impoſ-
" ſible to prevent them; that the Britiſh contra-
" band traders, who ſail along the Spaniſh coaſts in
" America, to diſtribute their contraband goods, ne-
" ver inſert in their clearances the true deſtination of
" their cargoes; that none of theſe contraband tra-
" ders had ever been puniſhed by the Britiſh Admi-
" ralty for having given in falſe deſtinations; and
" that it had appeared with a very bad grace to re-
" preſent, as as a grievance, a practice which is to-
" lerated and even encouraged at London (*m.*)"

The converſation of the Marquis de Noailles with Lord Weymouth was terminated by the communi-

cation

(*m*) Theſe obſervations ſhew the injuſtice as well as the indecency of the violent declamations contained in the Britiſh publication, with regard to the veſſels fitted out by the Sieur Beaumarchais and other individuals. It is poſſible that the true deſtination of theſe veſſels may have been diſguiſed by falſe declarations: But Lord Stormont has not adduced the leaſt proof; and certainly it was not the buſineſs of the French government to adduce it for him.

cation of a note, ſetting forth our own grievances. This miniſter made no objection to any of the obſervations of the Marquis Noailles; on the contrary, he renewed the aſſurances of his deſire to concur in maintaining a good underſtanding between the two Courts. There is certainly no one but muſt do juſtice to the candour with which the King has on this occaſion declared his principles to the Court of London. There is, likewiſe, no one but muſt agree, that his Majeſty has gone beyond his obligations in prohibiting his ſubjects to trade in arms and warlike ſtores with the Americans: It was reſerved for the Britiſh miniſtry to think otherwiſe. According to them, the King ought to have ruined his manufactories of arms, and a part of his ſubjects, by forbidding, without reſerve, a lawful commerce; he ought, without cauſe, to have offended the Americans, by driving them from his ports, that they might fall into the hands of the Britiſh; and, if we are to believe the *Juſtificative Memorial*, the King ought not only to have been anſwerable for the conduct of his ſubjects, but he was alſo under a ſtrict obligation to take arms to recover America, to the obedience of the mother-country.

There

There is, without doubt, no Sovereign, who could be ſo weak as to comply with ſuch demands; and it is impoſſible to find out the principles which could repreſent them as tolerable, to the eyes even of the Britiſh miniſtry, if it was not proved in an authentic manner, that in leading the King from one compliance to another, the eſſential object of the Court of London, was to render his Majeſty ſuſpected to the Americans, to make them believe he deceived them, and ſacrificed them to his own intereſt, and at laſt to bring things inſenſibly to this point, that the United States convinced that they had nothing to expect from France, and having, on the contrary, every thing to fear from her, had no farther appearance to preſerve with the King, and that they had no longer any hope of ſafety but in the kindneſs of Great-Britain. It was to accompliſh the object of this inſidious policy, that, on one hand, the Court of London was careful to inſert in the public papers of New York, exaggerating with as much affectation as noiſe, all the compliances of his Majeſty; and that, on the other hand, Lord Stormont charged his emiſſaries to ſearch in all the ports of the kingdom, in all the magazines, and in

all the counting-houſes, and that he ventured new complaints upon the ſlighteſt ſuſpicions. In the declaration of this Miniſter, there is found an enormous liſt of veſſels loaded clandeſtinely in almoſt all the ports of the kingdom, and, if we believe him, he knew, with an incredible exactneſs, the names of the owners, the captains, the number of packages, the kind of goods, their true deſtination, their pretended one, the time of their departure, the armaments which the Americans prepared in the ports of France, the ſales which they made publicly of their prizes (*n*); in fine, Lord Stormont carried his pretenſions

(*n*) The Reader, without doubt, will not be troubled to find here an abſtract of the principal complaints of Lord Stormont. He will there find proofs of the indefatigable vigilance of that Ambaſſador, and above all, the faithfulneſs of his ſpies.

1. Jan. 2, 1776. Lord Stormont informed the King's miniſters, that there was at Dunkirk an American veſſel called the Charming Peggy, Captain Cunningham, which, according to all appearance, was deſtined to carry powder to America: The Commiſſary manager of the marine, ordered to ſearch into this matter, reported, That the veſſel in queſtion came from Londonderry, that ſhe was preparing to load with brandy for England; that on ſuſpicion that ſhe had taken on board, in the night, ſome

pretenſions ſo far as even to demand, that the King ſhould

ſome barrels of powder, the Sieur Frazer, the Britiſh Commiſſary, obtained permiſſion that ſhe ſhould be ſearched, which effectively was done, and that there was nothing found on board, but ballaſt and proviſions, after having ſounded with iron roads from one end of her to the other.

2. May 20, 1776. According to official information of the Sieur St. Paul, Miniſter from the Court of London in the abſence of Lord Stormont, the Britiſh miniſtry were informed, that there had ſailed from Amſterdam, 1. A ſhip called La Ville de Bourdeaux, bound for Nantes, and laden with four hundred barrels of powder. 2. Two other ſhips bound for Bordeaux, viz. the Vrow Eſter Cornelia, laden with three hundred barrels of powder, and the Concordia, laden with five hundred barrels of powder. All this powder they ſaid was bound for North-America. The firſt of theſe veſſels was actually arrived in the river of Nantes, with three hundred and eighty ſeven barrels of powder; but this powder had been declared to be for the trade of the French ſhips to the coaſt of Guinea; as to the other ſhips, they have not appeared in the river of Bordeaux.

3. Auguſt 16, 1777. According to the information of the Sieur Frazer, who, to the office of Britiſh Commiſſary at Dunkirk, added that of a ſpy for Lord Stormont, there had been ſold at this place, a cargo of juniper brandy, taken out of a Britiſh prize, the Good Intent, which had been carried into

Cherbourg,

ſhould, by his authority, and without examination, order

Cherbourg; there was great ſearch made to diſcover this brandy; it had in fact come into the port of Dunkirk, in a Jerſey veſſel from Holland, and it had already paſſed, as well wholeſale as in retail, through more than twenty different hands; ſo that it was impoſſible to prove the identity with that which was the object of complaint: So that there was no other ſtep to be taken, than to refer the parties intereſted to the Admiralty, to whom it was recommended to examine the affair well, and to do ſpeedy juſtice.

4. Auguſt 19; 1777. Severe complaints were made againſt the Admiralty at Bordeaux. Four American veſſels had arrived in that port, *viz.* the Liberty, the Sea-flower, the Betſy, and the Peggy; theſe veſſels, on their arrival, had not a ſingle gun on board, and were not even pierced; all four were now compleatly armed and equipped; the leaſt of the four mounted eight guns; they were loaded with powder, lead, ball, &c. the half of their crews were French. Such was the repreſentation of the Britiſh Ambaſſador; but the following is the report made by the Admiralty:

Of the four veſſels two had left Bordeaux, but one of them was ſtill at the iſle of Ree, where ſhe was loading with ſalt, a commodity uſeleſs to a privateer; neither of them had taken in arms or warlike ſtores.

The officers of the Admiralty went on board the other two,

to

order all the prizes which the Americans ſhould

 bring

to make a ſearch; according to their report, the Liberty had neither powder, guns, nor warlike ſtores, and but one old muſket on board; on arrival they had eight port holes, the Captain had added two more. The Sea-flower had arrived with four Engliſh three-pounders, and eight ſwivels, 150 balls, about 100 lb. of powder, and ſix muſkets, and had ſix port-holes: The Captain had purchaſed at Bordeaux, four French two-pounders, four barrels of powder, three barrels of ſmall ſhot, and two barrels of muſket-flints; the crew conſiſted of ten men, including the Captain, all Britiſh or American, except one Spaniard. The ammunition, &c. bought at Bordeaux was ſeized.

There were new complaints made by Lord Stormont reſpecting the ſhip Liberty before-mentioned. This veſſel, he aſſerted, was compleatly armed at Bordeaux; the Captain had bought eight guns, and had embarked many caſes and barrels, containing arms and warlike ſtores. The officers of the Admiralty renewed their ſearch, and it appeared that the veſſel the ſubject of complaint, had ſailed many days, that ſhe had been ſearched with the greateſt ſtrictneſs, that they had found neither arms nor warlike ſtores, that ſhe had only wooden guns, and not a grain of powder in her magazine.

5. October 6, 1777. Two American privateers, the Alfred and the Polly, arrived at L'Orient with two prizes; but they were not admitted until they had ſet forth their damages, and after the Commiſſary of the marine had ſignified to them, that they

muſt

bring into the ports of the kingdom, to be given up

muſt haſten their repairs, and put to ſea with the firſt favourable wind: As for their prizes, they were prohibited to enter the port.

6. October 15, 1777. Another complaint of the ſame nature was made reſpecting the ſhip Induſtry; this veſſel had arrived armed and provided with warlike ſtores, and from the examination it appeared impoſſible for them to take on board any more guns or ammunition.

7. December 4, 1777. Lord Stormont demanded the reſtitution of a Britiſh veſſel, called the Anna Suſanna, taken by an American privateer carried firſt to Nantes, afterwards to Pelerin, where they were endeavouring to diſfigure her, after having given her the name of the Mignone. The enquiries made could not aſcertain the identity of this laſt veſſel, to be that which was reclaimed; Lord Stormont was informed of it, and at the ſame time it was obſerved to him, that the reclaimers could apply to the common judges in thoſe affairs.

December 25, 1777. The Raleigh, Alfred, and Randolph had been a long time at L'Orient, were loaded with cannon, arms, and ammunition, that had been furniſhed them in the ports of France; but according to the report made to the miniſtry, the Raleigh and Alfred had arrived armed at L'Orient, they had landed their guns and ammunition; and had again taken them on board in the harbour: It was this laſt act which was the cauſe

up (*o*): Such is the ſubſtance of Lord Stormont's memorial of the 3*d* of November 1777.

To theſe tedious and truly troubleſome complaints, which all theſe pretended grievances had determined the Britiſh Ambaſſador to renew, the King made anſwer, that, "If in ſo great "an extent of ſea coaſt as that which bounds "France, he had not been able to prevent ſome in- "fractions of the orders which had been given, ſtill "the expedition with which he had endeavoured to "remedy it, evinced the ſincerity of the aſſurances "which had been given, and of the fidelity with "which his Majeſty meant they ſhould be obſerved; "that the Britiſh Ambaſſador would find an evi- "dent proof of this, in the celerity with which he "had, at the firſt requiſition, diſpatched expreſſes "to Bordeaux and Nantes, with the orders he had "deſired,

cauſe of the Britiſh Ambaſſador's complaint. This is the ſubſtance of the anſwer which was made to them, January 17, 1778.

(*o*) The writer for the Court of London has not dared to repeat this ridiculous pretenſion, as he well knew the judgment that would be given concerning it.

" defired, and in the effective conſequences they had
" had ; that he had been informed before hand, of
" the orders which his Majeſty had given, of his
" own accord, to the Chambers of Commerce, to
" the Admiralty, and wherever it was neceſſary,
" to enjoin the ſtricteſt execution of theſe formerly
" given, as well to prevent the American privateers
" finding an aſylum and favour in his ports, more
" than treaties, and the duties of humanity requir-
" ed (*p*), as to prevent the diſguiſements and frauds
" that had been uſed to cover the prizes they had
" made, and to prevent the ſale. That his Majeſty
" thinks he has taken every meaſure in this affair
" that foreſight could ſuggeſt ; if, however, there
" ſhould be any other more effectual precautions
" which he has not thought off, he will not refuſe
" his attention to them, as far as they are compatible
" with his juſtice ; that it is according to this ſen-
" timent

(*p*) The author of the *Juſtificative Memorial* has dared to advance, that the King had declared to Lord Stormont, *That he was determined to baniſh from his ports all the American privateers, and would not ſuffer them to return there.* The declarations of the Court of London abounds with this kind of aſſertions.

" timent, that his Majeſty will not diſſemble, that
" he cannot agree to the inſinuation of giving up,
" without examination, thoſe prizes that may be
" brought into his ports: He will not permit the
" ſale; it is to this all his orders tend. That the
" King, although a faithful obſerver of treaties with
" England, and jealous to fulfil all the duties of
" friendſhip and good neighbourhood towards her,
" cannot neglect the intereſts of his ſubjects, and
" the ſecurity of his commerce; that it would,
" however, be ſacrificing thoſe ſo capital objects,
" to take the ſtep aforeſaid, as the Americans being
" no longer able to regard France but as a declared
" enemy, would diſturb the trade of his ſubjects, in
" the ſame manner as they had diſturbed that of
" Great Britain; that the King thinks he has ful-
" filled with regard to the King of England, all, that
" juſtice and his friendſhip would permit him in
" thoſe circumſtances; in fine, that his Majeſty
" expects, in return, that the King of Great-Britain,
" on his part, will give the moſt preciſe orders,
" that a remedy may be applied to the different
" complaints which have been ſucceſſively brought,

" ſome of which are already of a long date (*q*), and
" to

(*q*) 1. The Governor of Chandernagore had drawn a ditch round his factory to carry off the water, and to render the air more ſalubrious; the Council of Calcutta, from the report of a Britiſh engineer, had declared before-hand, that it was not contrary to the treaty of Paris; however, the work was ſcarcely finiſhed, when the Britiſh deſtroyed it with an armed force, and without any previous requiſition. All the complaints brought againſt this act of violence, have been in vain; and the King, who could himſelf have taken that juſt ſatisfaction which had been refuſed him, contented himſelf with ſtopping the liquidation of the money which the Engliſh Eaſt-India company claimed for the maintenance of the French priſoners made during the laſt war.

2. The Britiſh carried to an exceſs the vexations which they made the French trade ſuffer in all parts of India; they dared to exact cuſtom-houſe duties; they committed violence on whomſoever refuſed to pay them; they forbade the Indian weavers to work for the French, or to furniſh them with any goods, under pain of being whipped: in fine, they carried their inſolence, and the abuſe of their ſuperiority, ſo far, as to whip a Jamador, or Factor of the French factory at Daca; this happened in the year 1774. The Sieur Barwell, who was the author, carried his madneſs ſo far, as to publiſh by ſound of trumpet in the ſtreets of Daca, as well in his own name, as in that of the Nabob and the Engliſh company, a Proclamation, declaring, " that he would impale all the natives of the country, who
" ſhould

" to prevent and put a ſtop to the abuſes which " happen but too frequently from the Britiſh com- " manders at ſea."

All

" ſhould put themſelves under the protection of the French " flag." Theſe unparralelled facts were laid before the Britiſh miniſtry; they could not help condemning them; but they have been left without any kind of redreſs; they contented themſelves with communicating, about the end of November 1776, a Memorial in which the Engliſh Company endeavoured to palliate the abuſes of their officers. It is to be obſerved, that this abuſe was carried ſo far, that the Sieur Chevalier, the King's commander in Bengal, was obliged to quit the factory of Daca.

3. The Sieur M'Namara, Lieut. Governor of Senegal, made, in a drunken frolic, a wager of one hundred guineas, that he would take out of the ports of Joal and Portudal, appendants to Goree, all the French veſſels that were there; this project was executed. The French veſſel La Grue, was taken out of Portudal, by the Britiſh veſſel the Dartmouth, and confiſcated with all her cargo, among which was eighty negroes. This unexampled fact was laid before the Court of London; the puniſhment of the Sieur M'Namara was demanded, and the reſtitution of the veſſel and effects, and payment of damages. The Britiſh miniſtry condemned the conduct of the Lieutenant-Governor, and promiſed to do juſtice to the parties injured; this promiſe has never been performed.

All the world muſt agree, that this anſwer contained the moſt juſt and wiſe principles, in a word, principles, to which the powers that may be attached to England, by the moſt intimate connections, and even by a community of intereſt, could not have given a greater extent. The Britiſh miniſtry themſelves have ſeen it in this point of light; it may at leaſt be ſuppoſed, as at the time they did not make any reply on their part; and have only undertaken to cenſure them, for the firſt time, in their *Juſtificative Memorial.*

We ought not to omit to ſpeak of two things, with regard to which the compiler of the publication of the Britiſh Court hath given a free courſe to the violence of his paſſion, *viz.* The conduct of the inhabitants and commanders of the French iſlands; and the ſending French officers to America. This laſt grievance has been produced for the firſt time in the *Juſtificative Memorial:* Lord Stormont, in ſpite of his unremmitting vigilance, had not repreſented it to the King, becauſe he well knew that it was without foundation. It ought then to be regarded as a fiction, although it is related in a mi-

niſterial

niſterial publication: It is in reality a fiction; for it is certain that the King never ſent a ſingle officer to America, neither before nor ſince the declaration of Independence; not even after the concluſion of the Treaty of February 6, 1778. It is true, that a conſiderable number of French officers, ſome of whom were without employment, others weary of repoſe and inactivity, offered their ſervices to the United States, but not one of them had the countenance of his Majeſty; he, on the contrary, endeavoured to throw obſtructions in the way of thoſe whom he knew were going of their own accord: Nothing can be a better proof that they were not ſent by his Majeſty, than the cold reception ſome of the French officers received in America; as it is to be preſumed, that Congreſs would have judged them worthy of their attention and confidence, if they had been recommended by the King or his miniſtry.

As to the reproaches concerning the conduct of the French commanders in the Weſt-Indies, they are of the ſame kind with the greater part of Lord Stormont's complaints, that is, they are moſtly

 without

without foundation (*r*), and they ought to appear ſo

(*r*) Grievances in the Weſt-India iſlands, as ſet forth by England.

May 18, 1777. A complaint of the Britiſh Ambaſſador, with regard to an Engliſh ſnow taken near Martinico, by an American privateer, under Spaniſh colours; and the public ſale of another Engliſh ſnow, the Apollo, made at Fort Royal, Martinico, likewiſe of her cargo of negroes. The truth, from the report of the Count d'Arbaud, is, that a little time after the capture of the firſt ſnow on the coaſt of St. Chriſtophers, an American privateer ſloop anchored in Sloop Harbour; the Captain of the privateer aſked permiſſion of the Commandant of a guarda coſta to take in water; the latter ſearched the privateer, and having found on board a number of negroes, gave him water, and obliged him to put to ſea again.

As to what relates to the Apollo, no trace thereof was found; and it was ſo much the leſs probable, according to the Marquis de Bouille, as this Governor did not permit the American privateers which came to Martinico, to remain more than twenty-four hours to take in water, and as he took all neceſſary precautions to hinder them from making any ſale.

June 14, 1777. According to Lord Stormont, a veſſel belonging to the Sieur Pregent of Martinico, commanded by one of the name of Ord, the only American on board of her, had, on the 18th of March that year, taken the Venus, an Engliſh ſhip; and according

ſo much the more ſtrange, as while the Court of London

according to the note of the Britiſh Ambaſſador, this ſhip was in a bay, a league from St: Pierre. The Marquis de Bouille received orders to examine the facts, and, proviſionally, to direct the Engliſh ſhip to be reſtored; he was ordered, at the ſame time, and had in charge to inform the Commandant of St. Lucia, that the admiſſion of American privateers, bringing prizes into the harbours of the French iſlands, could not have place, but conformably to the rules of neutrality, that is, that thoſe privateers ſhould be obliged to ſet ſail again, with their prizes, in twenty-four hours, ſaving the caſes excepted by the ordinance of 1681; and that all ſales of prizes and their cargoes ſhould be forbidden. The anſwer of the Marquis de Bouille is conceived in theſe terms.

Copy of a Letter from the Marquis de Bouille, to M. de Sartine.

Martinico, September 15, 1777.

Sir,

I HAVE had the honour of informing you, of the orders I had given for preventing any French ſhips of theſe iſlands being armed for cruiſing; and ſince I gave theſe orders, which I have taken care to have ſtrictly regarded, I have received no account that there has been any ſuch infringement of treaties, which inſure peace between France and England; I ſhall proceed on the ſame principles, regulating myſelf by the inſtructions you have given me.

The Britiſh Admiral, and the Governors of the ſeveral Colonies have made

London accuſed the inhabitants of the French iſlands,

made no complaint of this kind to me, ſince I informed them of the intentions of my Court, and of my own conduct.

I ſent for the Sieur Pregent, and communicated to him your letter reſpecting the capture of the Venus, and the ſelling her in a port of this colony. He by no means allowed that this prize was brought in and ſold there; and as this affair happened before my arrival in this colony, I could have no knowledge of it. I do not authoriſe the anchoring of prizes but in conformity to the treaties, and the laws of trade; and the ſale of them is never authoriſed, nor ever known.

The Sieur Pregent is a Canadian in the ſervice of the American Congreſs, whom I have expreſly forbidden to fit out cruizers in any port of the Colonies, and with Frenchmen; I have even obliged him to diſarm two of this kind which he had fitted out before my arrival; and threatened to drive him from the iſland, if he ſhould again commit the ſame fault.

You may be aſſured that I will exactly conform myſelf to the orders which have been given me for maintaining the neutrality; and I do not believe, that the Engliſh could complain of my conduct with regard to them; on the contrary, I have had many complaints to make againſt the Admiralty courts in the ſeveral iſlands, of which I give you immediate information; and at Dominique they have been ſo convinced of the prevarication of their judges, that they have lately diſplaced one of them, who was guilty of prejudging and partiality, in a decree againſt a French veſſel.

September

lands with being, ſo to ſpeak, at open war with England, her officers were committing the moſt unſufferable exceſſes in the Weſt-India ſeas (*f*), and had turned theſe ſeas into a theatre of piracy.

 It

September 24, 1777. According to a judicial declaration made before a notary public of the iſland of Tobago, the Champion, an Engliſh ſhip, taken by the American privateer General Thomas, was carried into St. Lucia; a ſmall part of her cargo was carried into St. Lucia; a ſmall part of her cargo was landed in that iſland, and the reſidue ſent to Martinico, and the ſhip diſarmed in one of the bays of St. Lucia, in order to be ſold.

Nothing was more vague than theſe facts; ſo it was impoſſible to ſtate them properly, for want of a knowledge of the purchaſers, of the places of ſale, or of the nature of their cargoes: Theſe obſervations were made to Lord Stormont, and many reflections were added to them, of which the principal was, That there were many retired deſert creeks in the French iſlands, where nothing was more eaſy than to carry on a contraband trade; with which truths none were better acquainted than the Britiſh themſelves; that, if the French governors are not able to put a ſtop to a fraud prejudicial to France, the Court of London, doubtleſs, will not pretend, that they ought to be reſponſible for the inutility of their efforts, with reſpect to the prizes made by the Americans.

(*f*) See note (*t*).

It cannot, however, be denied, that the inhabitants of the iſlands, irritated by depredations they daily experienced from the Britiſh, and ſeduced by the bait of a conſiderable gain, have eſtabliſhed an extenſive correſpondence with the continent of North-America, and it was in the nature of things that ſuch correſpondence gave room for abuſes: But the King put a ſtop to it, as far as it was in his power; and the meaſures taken by the commanding officers were ſo effectual, that the Court of London aſſured his Majeſty of its ſatisfaction therein: The Britiſh miniſters had, ſurely, forgot this particular; for, had they recollected it, it is probable they would have taken care not to fall into inconſiſtency with themſelves.

But the Britiſh miniſtry conſtrained to do juſtice, at leaſt impliedly, as well to the principles as to the conduct of France, were not more ſenſible, on that account, of the obligation they were under, of, at length, taking into conſideration, the manifold grievances which the King had cauſed to be laid before them. Not only did theſe grievances remain without any redreſs, but the number of them daily

increaſed

increaſed, through impunity, not to ſay, through private orders; and the unconcern of the Britiſh miniſtry, what pains ſoever they were at to hide it, under the maſk of juſtice and friendſhip, diſcovered not only their evil intention, but alſo the opinion they entertained, that Great-Britain had the ſupreme and excluſive right of preſcribing arbitrary laws to the trade and navigation of all nations, to inſult all nations with impunity, in a word, to conſider the ſea as its excluſive dominion. Some of the new complaints made in the name of the King, reſpected the violation of the rules above ſet forth; and the motives to others of them were matters of a kind till then altogether unknown. A judgment may be formed of them from the two following examples:

1. The navigation of the Britiſh being annoyed by American privateers, the Court of London, to remedy this, granted letters of marque to merchant ſhips, that they might defend themſelves in caſe of their being attacked. This precaution was of ſervice, and did not, in the nature of it, lay any inconvenience in the way, as to the navigation of other powers:

powers: But it was natural to apprehend abuſes; and it was ſo much the more neceſſary for the King to prevent them, as on the one hand he ſincerely deſired to maintain the good underſtanding which ſubſiſted between him and the King of England, and on the other, his dignity, and the intereſt of his ſubjects, did not ſuffer him to expoſe their commerce to the inſpection of Britiſh ſkippers. This double conſideration determined his Majeſty to make, on the object in hand, ſome friendly remonſtrances to the Court of London. The Britiſh miniſtry found them to have good foundation, and they aſſured his Majeſty's Ambaſſador, that the Britiſh veſſels, fortified with permiſſion to arm themſelves, ſhould not go on a cruiſe; that they had not power to hail and to viſit the ſhips of other nations; in a word, that theſe veſſels were not authoriſed to make uſe of their arms, but againſt the Americans which ſhould attack them.

This declaration was made and repeated in the moſt preciſe and ſatisfactory terms: But it muſt be, either that the Britiſh miniſtry, notwithſtanding their promiſes, did not expedite the orders which

ought

ought to have followed, or that the Britiſh captains did not believe themſelves under obligation to regard them. Be this as it may, not only did the Britiſh merchant veſſels diſturb the commerce and navigation of the King's ſubjects, but they dared alſo to ſtop and carry into England ſeveral French veſſels, under the pretext that they were laden with merchandiſe for Ameriea (*t*). We call on the Court of London, to prove the reſtitution of the French veſſels taken in this manner, or even to produce the orders or the deciſions in virtue of which theſe veſſels were to be reſtored.

2. The Thamas Kouli Kan, a veſſel proved to be French property, was laden and fitted out at Havre de Grace, in October 1777; ſhe was bound to St. Domingo, with a cargo of merchandiſe not contraband: Nevertheleſs, the Thamas Kouli Kan was ſtopped in the gulph of Gaſcony, by an Engliſh ſhip called the Hector; the Captain of this laſt named

 ſhip,

(*t*) The Brigantine Renommee, Captain Ango, October 13, 1777; the Sieur Chandeau the ſame day; L'Aimable Reine, Captain Berthelot, January 11, 1778.

ſhip, took forty ſailors from on board the other ſhip, to do duty on board his own; he carried his prize to Portſmouth; the crew were put in goal, without ſparing even the commander: The ſailors were engaged either by threats or promiſes to make falſe depoſitions; and the outrage was carried ſo far, as to break up the veſſel, in hope of finding written proof of her deſtination which they ſuſpected: Of all theſe proceedings the Britiſh miniſtry had full information.

The remonſtrance of the Marquis de Noailles contained in ſubſtance, that in caſe the Thamas Kouli Kan had been laden with contraband military ſtores on account of the Americans, ſhe could not have been ſeized and treated otherwiſe than conformably to the tenor of the twenty-fourth article of the treaty of Utrecht; but if this veſſel were laden with goods not contraband, had her deſtination for the Colonies been ever ſo much ſuſpected, or even demonſtrated, ſhe ought not to have been ſeized any where but on the coaſt of America, and by no means on the wide ocean; theſe principles were evident, and made void the ſeizure of the Thamas Kouli Kan;

but

but the Britiſh miniſtry were of another judgment. Their anſwer, worthy indeed of remark, plainly ſhews, that the Court of London pretends to have the right of reſtraining, at her good pleaſure, the liberty of the ſea, of interpreting, or annuling, as ſhall be moſt agreeable to her, the uſages and treaties relative to this ſame liberty; that ſhe confounds merchandiſes not contraband, with contraband military ſtores; that ſhe tranſgreſſes the rules laid down by the 15th, 19th, 20th, 21ſt, and 24th articles of the treaty of Utrecht; that ſhe allows herſelf to make arbitrary diſtinctions, ſuch as favour only her own ſide of the queſtion; that ſhe dares to impoſe on other nations, obligations which have no other ground but her caprice, and the propoſal of which ſhe has formely conſidered as an offence (*u*), and a ſufficient motive for declaring war. If the reader will be pleaſed to compare this juriſprudence with that which France has claimed, he will be able to form a judgment which of the two powers pays a regard to the laws and rights of nations, and which of the two pretends to have the right of treading them under foot.

While

(*u*) See note (*z*).

While the Ambaſſador of England put the King's patience to the ſtrongeſt proofs, and while the Court of London was conſtantly repeating denials of juſtice to his Majeſty's ſubjects, at the ſame time that the Britiſh officers continued to deſolate them on the ſea, an event came to paſs in America, which eſſentially changed the face of things in that quarter of the world. This event was the defeat of the army under General Burgoyne. The news of this unexpected diſaſter, which arrived in Europe in November 1777, aſtoniſhed the Britiſh miniſters, and muſt have the more ſenſibly affected them, as it overthrew the plan they had laid for the reduction of the Colonies: We ſhall be convinced of this truth, by reading the ſpeeches occaſioned by it in Parliament. The firſt reſult of the tumultuous debates of both Houſes was, the naming Commiſſioners of peace, to carry to America conciliatory bills; and that of the ſecret deliberations of the Council at St. James's was, to make advances, and to ſound the American Commiſſioners reſiding at Paris, and to propoſe to them peace, and a coalition againſt the crown of France.

This

This laſt propoſition was the conſequence of the imputations which the miniſtry of London had inceſſantly made againſt that of Verſailles: They have affected to conſider France as the cauſe, the ſupport, in a word, as the author of the revolution of which North-America preſented them a view; and this opinion would naturally inſpire them with the deſire of vengeance; the opportunity of gratifying themſelves might, and even muſt appear favourable to them, when they conſidered the ſecurity in which his Majeſty lived; and the aſſiſtance which they flattered themſelves they ſhould find from the Americans. This proſpect was ſo much the more proper to conſole, and even to dazzle the Britiſh miniſters, as it perfectly correſponded with their moſt dear and moſt conſtant wiſh, a wiſh which for a long time had been the very eſſence of Britiſh policy, that of humbling France; and as the preſumptuous confidence of that nation muſt have ſtill grown greater, when they beheld the extraordinary armamants they had got ready, with a diſpatch which ſurprized all Europe (*x*).

(*x*) To prove the truth of this obſervation, we ſhall confine ourſelves

The Britiſh miniſtry, led aſtray by this brilliant phantom, delayed not putting in motion all the ſecret ſprings, by means of which they thought they would be able to realize it. Emiſſaries came one after another, and watched the American Commiſſioners: Their diſcourſe to every of them was, that *they ſhould no longer continue the dupes of France; but muſt unite with the Court of London, and fall upon that power*, &c.

The Court of London denies the facts; and repreſents them as *a ſuppoſition deſtitute of truth, and even of probability, and calls upon France to produce the proof of it*. But can a ſubterfuge like this, poſſibly impoſe on any one? Who will ſuſpect the Britiſh miniſtry to have carried their want of addreſs or imprudence ſo far, as to leave direct marks of a darkſome manœuvre, and of not having, on the other hand, taken the moſt effectual meaſures, that in

ourſelves to remark, that in the beginning of the month of January 1777, the Court of London fitted out a fleet of forty-three ſhips of the line. What was the object of this extraordinary armament? It is an enigma which it is not difficult to ſolve.

in caſe of diſcovery, it might not be imputed to them! The denial which the *Juſtificative Memorial* contains, is a conſequence of this reckoning; but in order to merit any attention, it ſhould, at leaſt, have been founded on great probability. True it is, that according to the Britiſh miniſtry, *the King of Great-Britain could not be ſuſpected of not having offered peace to his ſubjects, after a long and hard conteſt, but with deſign of entering into a new war againſt a reſpectable power:* But ſome very plain reflections will make it clear how illuſory this affected language is, and how little it deſerves belief.

If the Court of London, as the miniſtry endeavours to make us believe, either ſincerely, or in order to impoſe upon the Engliſh nation, or even on its King: If, I ſay, the Court of London has experienced unpardonable injuries from France, if it has reaſon for reproaching her with the defection of her Colonies, they muſt conſider her dignity and moſt eſſential intereſts as wounded, and from that time muſt have the moſt ardent deſire, not only of taking vengeance, but alſo of recovering from France what the Crown of England loſt in America. In conſe-

quence

quence of this plan, it was natural for the Britiſh miniſtry, unable to ſubdue her Colonies, to ſeek to be reconciled to them, and to engage them to eſpouſe her reſentment: They might ſo much the more flatter themſelves that they ſhould ſucceed herein, as the proceedings of France, with regard to American privateers (which they certainly conſidered as the happy fruit of their great wiſdom) and eſpecially the diſlike the King had at all times manifeſted to any engagement with the Congreſs, muſt have given diſguſt and diſſatisfaction to their deputies, and induce them, notwithſtanding their well known averſion, to ſeek even in England, the ſafety of their country, when they failed to find it in France. To theſe reflections may be added, the opinion the Court of London has of her own power; the contempt with which ſhe has, on all occaſions, ſpoken of the ſtrength and reſources of France; the conceit ſhe has of her being ſuperior to all nations, and that ſhe is in a condition to cruſh France even united with Spain. Such hath been and ſtill is, the language of the Britiſh miniſters, and ſuch are the echos kept up in the Parliament of Britain.

In

In this ſituation, ought it not to be ſuppoſed, that the moment the Britiſh miniſtry perceived the neceſſity of yielding to the efforts of the Colonies, they conceived the project and the hope of puniſhing France, for the wrongs they had imputed to her! Such have, indeed, been the intention and conduct of the miniſters of the King of Great Britain: We have already affirmed, in the *Expoſe de Motifs*, and we repeat it here, with that aſſurance which nothing but truth can give; and the King dares flatter himſelf that the opinion which all Europe has of his rectitude and probity, will have more weight than a denial merely hazarded, and which they have not even had the addreſs to render probable.

Moreover, although the King had not had certain proof of the hoſtile views of the Court of London, it would have been ſufficient for him to have had probable grounds to ſuſpect that they exiſted: Now, what muſt his Majeſty have thought of the ſight of the immenſe and haſty warlike preparations of the Court of London! her arbitrary proceedings, her denials of juſtice, her arrogant pretenſions!

What muſt he have allowed to the laſt words of the idol and oracle of the Britiſh nation, Lord Chatham, who dragged himſelf to Parliament, there to expire exclaiming, *Peace with America, and war with the houſe of Bourbon!* The Court of London herſelf has juſtified the ſuſpicion and foreſight of the King, by the hoſtile orders ſent to India before the declaration of the Marquis de Noailles, and even before the ſigning of the treaty of February 6, 1778. The Britiſh miniſters have felt all the force and all the truth of this reproach, and have paſſed it over in ſilence, becauſe they were ſenſible of the impoſſibility of removing it.

The King well informed of the plan of the Court of London, and of the preparations which were the conſequence of it, perceived that no more time was to be loſt, if he would prevent the deſigns of his enemies: His Majeſty determined, therefore, to take into conſideration, at length, the overtures of the Congreſs.

The Commiſſioners propoſed to the King a treaty of amity and commerce, and an alliance of-

fenſive and defenſive, by which his Majeſty ſhould engage, not only to acknowledge ſimply and purely the Independence of the United States, but alſo to guarantee and defend it by force of arms. The King ordered an anſwer to be given, that he could indeed look upon the Independence of the United States as exiſting; but that it did not belong to him to acknowledge it, becauſe he had not any right to judge of it; neither could he guarantee it, as he did not intend to enter into a war for its ſupport. His Majeſty, in conſequence, refuſed an offenſive alliance, and confined himſelf to the Treaty of Amity and Commerce. But as it was more than probable that the Court of London had formed the deſign of attacking France, his Majeſty thought he ought to enter into an Alliance with the United States, Eventual and purely Defenſive. The ſtipulations contained in this ſecond Treaty are in ſubſtance, that if France ſhould be attacked by the Court of London, before the ceſſation of hoſtilities between that Court and its Colonies, then, the King and the United States ſhould mutually aſſiſt each other againſt the common enemy: That the King ſhould guarantee the Independence and Sovereignty of the

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United States, and that he ſhould not lay down his arms till it ſhould be acknowledged by Great-Britain. This treaty was an *ens rationis*, and did not hinder the Colonies from treating with Britain without the concurrence of the King, as long as the quarrel was between them only; it left the King of England abſolute maſter of war or peace, and acquired a reality only by the rupture between his Majeſty and the Court of London; a rupture which is the voluntary work of that Court (*y*). This laſt treaty remained

(*y*) The Britiſh miniſters themſelves have been ſo ſenſible of theſe truths, that they have not preſumed to contradict them; it is for this reaſon that they have been very careful to paſs over in ſilence, the eventual Treaty of Alliance; if they had ſpoken of it, they would have been obliged to analyſe it, and this analyſis would have been their condemnation. They will not ſay that they were ignorant of this treaty; for Lord Stormont aſſured the Houſe of Lords, that he was always perfectly acquainted with every the moſt ſecret matter, that paſſed at Verſailles; beſides, this very treaty has been publiſhed in America with every mark of authenticity; and certainly the friends of the Court of London, which ſhe declares to be ſo very numerous, have not failed to ſend to them a copy of it. The Britiſh miniſters, then, have had notice of it; and they cannot deny it, without charging Lord Stormont with neglect, and their friends in America with unfaithfulneſs or ingratitude.

remained ſecret, becauſe it was not in force at the time of concluding it: But that of commerce was notified at the Court of London, March 13, 1778. The Declaration delivered for this purpoſe to the miniſtry is in the following terms:

DECLARATION delivered to Lord WEYMOUTH, *March* 13, 1778.

THE Underſigned Ambaſſador of his Moſt Chriſtian Majeſty, has received expreſs orders to make the following Declaration to the Court of London:

" The United States of North-America, who are in full poſſeſſion of Independence, as pronounced by them on the 4th of July 1776, having propoſed to the King to conſolidate by a formal convention, the connection begun to be eſtabliſhed between the two nations, the reſpective Plenipotentiaries have ſigned a Treaty of Friendſhip and Commerce, deſigned to ſerve as a foundation for their mutual good correſpondence.

" His Majeſty being determined to cultivate the good underſtanding ſubſiſting between France and Great Britain, by every means compatible with his dignity, and the good of his ſubjects, thinks it neceſſary to make this proceeding known to the Court of London, and to declare, at the ſame time, that the contracting parties have paid great attention not to ſtipulate any excluſive advantages in favour of the French nation; and that the United States have reſerved the liberty of treating with every nation whatever, upon the ſame footing of equality and reciprocity.

" In making this communication to the Court of London, the King is firmly perſuaded, ſhe will find new proofs of his Majeſty's conſtant and ſincere diſpoſition for peace; and that his Britannic Majeſty, animated by the ſame ſentiments, will equally avoid every thing that may alter this good harmony; and that he will particularly take effectual meaſures to prevent the commerce between his Majeſty's ſubjects, and the United States of North-America, from being interrupted; and to cauſe all the uſages received between commercial nations to

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be, in this reſpect, obſerved; and all thoſe rules obſerved, which can be ſaid to ſubſiſt between the two crowns of France and Great-Britain.

"In this juſt confidence, the underſigned Ambaſſador thinks it ſuperfluous to acquaint the Britiſh miniſter, that the King his maſter, being determined to protect effectually the lawful commerce of his ſubjects, and to maintain the dignity of his flag, his Majeſty has, in conſequence, taken eventual meaſures, in concert with the United States of North-America.

"LONDON, *March thirteenth, one thouſand ſeven hundred and ſeventy-eight.*

Signed, The MARQUIS DE NOAILLES."

Such is the Declaration which the King of Britain laid before his Parliament, as an inſult offered to his perſon and crown, as a formal and premeditated aggreſſion, in a word, as a declaration of war; and agreeable to ſuppoſitions of this kind, the Court of London accuſes the King of being the author of the war, and repreſents him as the violator of laws

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divine and human, as a prince who would deſtroy the ballance of Europe, who would overturn all thrones, in order to give law to the univerſe.

The act, however, which has drawn upon the King ſuch odious imputations, has for its foundation two inconteſtible truths; the firſt, that at the period of the 6th of February 1778. the Americans had the public poſſeſſion of their Independence; the ſecond, that the King had a right to look upon this independence as exiſting, without being obliged to examine the legality of it, and that no law forbad him to form connexions with the Americans. To demonſtrate theſe two truths, which the Court of London conteſts, it will be unneceſſary to have recourſe to diſtinctions as idle as they are miſapplied, and to offer facts and principles with a ſtudied confuſion. We ſhall lay open events with as much ſimplicity as exactneſs, and ſhall call upon no other principles, but ſuch as have been acknowledged at all times, by all well governed nations.

The whole world knows that the thirteen provinces which form the United States of North-America,

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have for a long time raiſed a ſuppliant voice againſt the deſpotiſm of their mother-country, that they have experienced refuſal upon refuſal; that it was not till they had loſt all hope of obtaining juſtice, that they leagued together to maintain their privileges, ſword in hand; and ſoon after publiſhed that ſolemn act, whereby they declared themſelves Independent: This Act, which is of July 4th 1776, induced the Court of London to give way to her reſentment; ſhe diſplayed her power to chaſtiſe the Americans, and to reduce them by conqueſt. But what has been the fruit of their efforts! Have they not ſerved to demonſtrate to America, to all Europe, and to the Court of London herſelf, her impotence, and the impoſſibility of her ever hereafter bringing the Americans again under her yoke! In ſhort, we have ſeen the Britiſh troops, armed with the ſword of vengeance, fly precipitately from Boſton, ſeek an aſylum at Hallifax, and come to New-York, in order thence to ſpread terror, deſolation, and carnage in parts of the country without defence; but what has ſuch barbarous conduct effected! Has it brought the Americans back to the boſom of their mother-country? Has it brought about a *voluntary* ſub-

miſſion, not of a province, but of a ſingle city, borough, or hamlet? Has any of the confederate colonies recalled its delegates from Congreſs, to ſend them to London? What have been and are the poſſeſſions of the Britiſh crown on the continent of confederated America? His troops have made inroads in all the ſtates: But do we ſee there any thing but bloody traces of their fury and brutality; but citizens which obey through force? They have, in their poſſeſſion, the city of New-York, ſome adjacent iſlands, and a part of Georgia; they have ſacked, burnt, deſtroyed ſeveral conſiderable towns; they have carried fire and ſword wherever they have penetrated.---It is this which the Britiſh miniſtry calls being maſters of the vaſt continent of America; this is the poſſeſſion by which they pretend to reduce to nothing that of the United States; this is that which they call having dominion over the Americans! Is there any one who can really be perſuaded by theſe as truths, that in any circumſtance, ſince the publication of the act of independence, *the Americans have begun to open their eyes on the fatal conſequences of their rebellion, on the*

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tyranny of their new leaders, and on the paternal ſentiments of their lawful ſovereign.

The Britiſh miniſtry have ſo well perceived the weakneſs of this pretence, that they have ſought to ſtrengthen it by the ancient poſſeſſion of the Britiſh crown, that is, by a poſſeſſion known and acknowledged by all the powers. It was uſeleſs to aſſert the right of this poſſeſſion, ſince it never came into the King's thought to conteſt it; and the Britiſh miniſters, without diſpute, would have defended their cauſe with more advantage, if they could have proved, that a rightful poſſeſſion could not be loſt in any caſe: But how would they have dared to undertake this proof, without being willing to contradict the annals of every country in the univerſe. How could they reconcile it with the facts preſented by the hiſtory of Mary Stuart, that of Charles I. and James II, with the laws which confirm the crown of England to the houſe at preſent on the throne.

It ought then to remain as certain, that however rightful, however ancient, and however acknowledged may have been England's poſſeſſion, with re-

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gard to her ancient Colonies, ſhe might loſe it. That effectively ſhe had loſt it July 4, 1776. And that ſhe has not regained it ſince this period. From thence it follows, that France could ſay with truth, that at the moment of the ſigning of the Treaty of 1778. *The United States of North America were in full poſſeſſion of their Independence.*

The Britiſh miniſtry expect to overthrow the conſequences which ariſe from this truth, in maintaining, that the poſſeſſion of the Americans is without right; that it never has been nor could be made valid, that it is a real felony: but in advancing this propoſition, they without doubt, forgot the conduct which they themſelves have maintained with regard to the Americans, ſince the publication of the Act of Independence. It may be recollected that the creatures of the court have conſtantly called out rebellion, vengeance, deſtruction: Nevertheleſs, notwithſtanding all theſe clamours, the Britiſh miniſtry have ceaſed, after the declaration of Independence, to proſecute the Americans as rebels; they obſerved, and ſtill obſerve, with regard to them, the laws of war, uſed amongſt independent nations;

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the American priſoners have been exchanged by virtue of cartels, ſigned by Commiſſioners of Congreſs; the Britiſh troops have capitulated and their capitulations have been reſpected. The court of London has acknowledged the authority of the new Republic, by authoriſing commiſſioners of peace to treat on equal footing with the commiſſioners of America. Moreover, that the United States had, or had not the right to throw off the ſovereignty of Britain: That the poſſeſſion which they have of Independence is, or is not rightful: It does not belong to France to diſcuſs theſe two queſtions. The King is not to judge of the domeſtic quarrels of Great-Britain; neither the law of nations, treaties, morality, nor policy, impoſe on him th obligation to be the guardian of the fidelity which the Britiſh ſubjects may owe to their ſovereign; It is ſufficient for the juſtification of his Majeſty, that the Colonies, which form a Nation conſiderable, as well for the number of their inhabitants, as for the extent of their dominion, have eſtabliſhed their Independence, not only by a ſolemn declaration, but alſo in fact; and that they have ſupported it againſt the efforts of their mother

country. Such was, in effect, the ſituation of the United States, when the King began to negociate with them: His Majeſty had full liberty of conſidering them as independant, or as the ſubjects of Britain; he choſe the firſt part, becauſe his ſafety, the intereſt of his people, invariable policy, and above all, the ſecret projects of the court of London, imperiouſly laid him under the neceſſity. We aſk if there is a Sovereign who, in the ſame ſituation with his Majeſty, would not have imitated his example? Nevertheleſs, it is this ſame conduct which the Britiſh miniſtry pretend to have been dictated by pride, and by artifice; which they affirm to be irreconcileable with the truth of facts and the principles of the law of nations, which they repreſent as unfit to ſee open day, which they hold out to all the world as a violation of the law of nations, as an injury done to all ſovereigns and to humanity.

Before they had given up themſelves to a language ſo vehement, before they had indulged themſelves in imputations ſo weighty, the Britiſh miniſtry ought to have examined, with a ſpirit of

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juſtice and impartiality, the rights and the duties of ſovereigns; they ought above all, to have conſulted the annals of almoſt all empires, and principally thoſe of Great-Britain. We believe that we ought to ſupply this omiſſion, and we dare to flatter ourſelves beforehand, that the reſult of the analyſis, which we undertake, will be very different from the aſſertion, or to ſpeak more properly, the paradoxes hazarded by the Court of London.

The Independence of nations, with regard to each other, is the primitive and fundamental baſis of the law of nations; it is abſolute, unlimited, and it admits no modifications and reſtrictions but thoſe which are founded on engagements, or which conſcience preſcribes, or finally, national intereſt demands. In the firſt caſe, a nation has fixed a bound to herſelf which ſhe cannot paſs; but in the two others, its determinations, and its conduct can depend only on its own judgment, and whoever undertakes to reſtrain it in this reſpect, will injure its Independence.

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The application of theſe principles, with regard to France and England, is not difficult to make; France is independent of the Britiſh crown; no engagement lays the King under obligation to maintain this crown in the whole of her poſſeſſions, and ſtill leſs to keep her ſubjects in obedience. Thus his Majeſty had not any duty to fulfil in behalf of England, relative to North-America; thus his Majeſty was not obliged, either to aſſiſt England againſt her Colonies, or to reject thoſe Colonies when they preſented themſelves to him as an independent People.

If we believe the author of the *Juſtificative Memorial*, the King was bound to theſe different duties, in virtue of the laſt treaty of Paris; but it is viſible that to ſupport a propoſition of this nature, it is neceſſary to deſpiſe the ſenſe, the ſpirit, the ſcope of a ſimple treaty of peace, and confound a treaty of this nature with a treaty of alliance. That of Paris laid the King under no other obligation, but to live in peace and in good friendſhip with Great-Britain: To extend this obligation, is to be wholly unacquainted with, or to deſpiſe the

the firſt ideas of the diplomatic ſcience, and the opinion of all nations.

The Court of London gives to underſtand, that ſhe had a right to conſider, as a ſacred engagement on the part of the King, the multiplied aſſurances he has given of his friendſhip, of his pacific ſentiments, and of his deſire to obſerve treaties. The King is very far from denying theſe aſſurances; but what was, and what could be their ſenſe and their baſis? Do they not ſuppoſe a perfect reciprocity on the part of the King of England, and this reciprocity ceaſing, his Majeſty, was he not diſengaged from his word? The Britiſh miniſtry could ſo much the leſs doubt that this was not the King's very way of thinking, as it has been repeatedly expreſſed by himſelf in this manner, on ſeveral occaſions: We requeſt them to recollect the language which the King's Charge des Affaires uſed to them in the month of March, 1776, in laying complaints before them, againſt the irregular practices of the Britiſh veſſels in the Weſt-Indies; we requeſt them above all, to recollect the frequent repreſentations of the Marquis de Noailles, and thoſe of his Majeſty

and Miniſters; an account of which Lord Stormont, doubtleſs, will not have omitted to lay before his Sovereign.

The King was not more reſtrained by his conſcience than he was by his engagements: This aſſertion has no need of proof; it is ſufficient for his Majeſty, that he believes himſelf free from all reproach, that he has it in his power to ſay, that in conſidering the Americans as Independent, he violated neither the law of God nor that of Nations: If the court of London dares to contradict this morality, we demand of her, who upon the earth, is the judge of Sovereigns? Who has the right to preſcribe to theſe, rules of conduct? Who has the power to oblige them to follow theſe rules? So long as peace ſubſiſted between France and England, the King had no more right to attack the Britiſh Provinces, than to relieve and aſſiſt the ſubjects of this Crown; but he had the right to conſider as Independent the confederate Inhabitants of an immenſe Continent, who preſented themſelves to him with this character, eſpecially after their antient Sovereign had demonſtrated, by efforts as continued

as painful, the impoſſibility of bringing them back to obedience.

There is, we may dare to believe, no Sovereign who will not agree to the juſtice of this maxim of law of nations; the Court of London alone, a long time accuſtomed to have arbitrary principles adapted to the circumſtances of the moment, apprehends ſhe can call it in doubt, at the ſame time, that ſhe affects to give an alarm on the dangerous conſequences which ſhe pretends to diſcover from it. But this Court has not probably at all perceived, that ſhe throws herſelf into a manifeſt contradiction with the doctrine which ſhe has profeſſed and has followed heretofore; one example alone will ſuffice to bring her back to her own principles, it is that of the Seven United Provinces of the Low Countries; the conduct held by Queen Eliſabeth, with regard to them, deſerves to be unfolded.

The Flemings having concluded in 1576, the peace of Ghent, for the defence of their Liberties and of the Proteſtant Religion, Eliſabeth allied herſelf with them by a ſecret treaty, in virtue of which ſhe promiſed

promiſed to furniſh them with troops, warlike ſtores and money. The King of Spain, Philip II, complaining to the Ambaſſador of the King of England, it was given in charge to the Ambaſſador by his Sovereign, to deliver to his Catholic Majeſty an ample information, containing the ſtrongeſt proteſtations of his amity, and of his attention to remove every thing that could diſturb the good underſtanding which ſubſiſted between the two monarchies, Eliſabeth defended herſelf in a warm manner againſt the reproach which they had caſt upon her, of fomenting the rebellion of the Low Countries; and this Princeſs added, that in furniſhing the Confederates with aſſiſtance of men and money, her policy had a double object, that of hindering the inſurgents, reduced to deſpair, their reſources being exhauſted, to give themſelves to a foreign power; and the other, that of preventing the abſolute ſubjection of the Low Countries to the Spaniards, an event, which might involve very diſagreeable conſequences to England, &c.

By a new treaty of January 7, 1578, Eliſabeth promiſed conſiderable ſuccours to the Confederates,

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on condition that they ſhould not make peace with their Catholic King, without comprehending in it this Princeſs.

At length the Confederates declared themſelves Independent in 1585: This ſtep was quickly followed by a new defenſive alliance: It took place Auguſt 10th, of the ſame year. The Dutch alledged, in the full powers they gave to their Miniſters, the circumſtance, that they had entirely ſhaken off the yoke of Spain, and were declared free and independent of its ſovereignty. In juſtification of this laſt treaty, Eliſabeth publiſhed a Manifeſto, in which ſhe recalled to memory the cruelties which the Spaniſh Governors had committed in the Low Countries, and the project formed by the Court of Madrid to deſtroy their liberties; ſhe declared, at the ſame time, that ſhe was obliged to ſupport the United Provinces in defence of their liberty, becauſe it was the only means of preſerving to the Engliſh the freedom of commerce with the Low Countries, and to guard England from the invaſions which Spain with the greateſt eaſe could make upon her iſland, if ſhe had once re-

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duced theſe Provinces under her abſolute obedience. Finally, Eliſabeth obſerved, that the treaties which antiently ſubſiſted between England and the Sovereigns of the Low Countries, had been concluded not only between theſe Princes, but likewiſe their reſpective States, for their mutual defence; and that thus in protecting the United Provinces againſt an unjuſt deſpotiſm, ſhe only cauſed exactly to be fulfilled the laſt part of her engagements, without contravening in any manner that which ſhe owed to the ſovereign of theſe Provinces.

It is to be remarked, that the publication of this Manifeſto did not occaſion the recall of the reſpective Ambaſſadors, and that three years after its publication, that is, in 1588, Eliſabeth continued, at the requeſt of Philip II, to purſue the office of mediatrix between this Prince and the United Provinces, at the Congreſs of Bourbourg.

This faithful brief narrative of the conduct of Queen Eliſabeth, with regard to the Low Countries, will, without doubt, convince all the world

world, that this Princeſs not only acknowledged the right which every Sovereign has, to treat with a people who have declared themſelves Independent, but alſo that ſhe has given to this right an extent, which the King did not allow to himſelf, with regard to the United States ; that even if this right were leſs clearly eſtabliſhed, the Court of London is precluded from denying it, and that in ſo doing ſhe proclaims herſelf to the world, as obnoxious to all the reproaches which ſhe has laviſhed on France.

To this remark may be added a reflection, furniſhed by the very records of the Britiſh Parliament. For ſeveral years paſt this Aſſembly has reſounded with nothing but the quarrel with America ; this quarrel has been examined and diſcuſſed in all its relations, and under every point of view ; the Americans have had conſtantly patrons, no leſs zealous than diſtinguiſhed for their abilities and rank ; a part of the nation have uniformly ſupported the Cauſe of the Colonies ; there are even citizens of every denomination, who, far from regarding them as guilty of high-treaſon, have, on the contrary, accuſed

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of this crime the Members of Parliament who, in order to fulfill the engagements to the Miniſtry, have applauded the perſecution which America has undergone ; becauſe they conſidered it as a tyranny, as a ſubverſion of the Britiſh conſtitution. Now, if Engliſhmen themſelves have dared to juſtify the Americans; if they have dared it with impunity, in the midſt of the national Aſſembly, in writings public and avowed ; if they have not been denounced as traitors to their country, how can the Britiſh Miniſtry repreſent the King as the moſt perfidious of Sovereigns, for having thought in the ſame manner with a reſpectable part of the Britiſh nation.

To complete the juſtification of the King, nothing remains but to examine, whether what are called *Reaſons of State,* could have determined his Majeſty to connect himſelf with the Americans. To treat this queſtion with all clearneſs of which it is ſuſceptible, the political intereſt of France muſt be viewed under two different relations; the firſt reſpects the other powers of Europe; the ſecond reſpects Great-Britain.

In

In treating with the Americans, after they became independent, the King exerciſed the right inherent in his ſovereignty, with no other view than to put an end to the predominant power, which England abuſed in every quarter of the globe; ſo far then was the King from fearing that he ſhould offend againſt the intereſt of his State, on a ſuppoſition that he might injure that of the other Sovereigns of Europe, or even give them the leaſt umbrage, that he has on the contrary, eſſentially watched over the intereſt of all, by contributing to reſtrain a power, which has always carried to exceſs the abuſe of her reſources. It is true, the Court of London is very far from regarding the conduct of the King under this point of view; ſhe repreſents his Majeſty, as having had no other object, but to ſatisfy his immoderate ambition, his inextinguiſhable hatred of Great-Britain, his luſt of domineering over all nations, after having cruſhed Great-Britain.

To annihilate theſe reproaches, it will be ſufficient to recollect the engagements which the King has entered into with the Americans: One may

venture to defy perſons the moſt prejudiced againſt France, to find in them the leaſt trace of the pretended ambition of the King, and of the pretended project of demoliſhing the power of England: Nothing more will be diſcovered in them, on the moſt accurate ſcrutiny, than a diminution of this power, a diminution which England has herſelf provoked, by a conduct the moſt unjuſt and moſt irregular, and which the tranquility and happineſs of Europe have for a long time required: For the truth of this, we apply to the judgment of all nations, who have the leaſt connection, either political or commercial with Great-Britain.

With regard to the intereſt of France, as it reſpects England, it is eaſy to determine. It has for a long time been a maxim with the Court of London, that ſhe ought to maintain an excluſive dominion in all the ſeas; all her ſteps have been conſtantly directed to this end. The power of France was one of the greateſt obſtacles to her views; it was requiſite therefore, either to deſtroy it, or at leaſt to circumſcribe it within ſuch narrow limits, as would render it of no effect: Hence the wars,

which

which Great-Britain has excited or ſupported againſt France: Let all the treaties, concluded ſince Cromwell, be examined, and there will be found in all of them traces which ſtrike the mind, at the ſame time they cauſe it to revolt againſt the haughty, jealous and encroaching policy of the Court of London.

In this ſtate of things, under what point of view ought France for a long time paſt, to have conſidered Great-Britain? She could not certainly regard her but as a ſecret enemy, and ſo much the more dangerous, as her power was equal to her evil intentions; that ſhe never ſcrupled maſking her dangerous deſigns under an apparent confidence and friendſhip; that ſhe has at no time paid any reſpect to treaties, except when ſhe wanted peace; and that ſhe has always thought war to be lawful, when her intereſt adviſed her to engage in it. The moſt vigilant and conſummate prudence could not deviſe adequate precautions againſt the enterprizes of ſuch a power; ſo that the only means of being ſecured from it, was to ſeize the opportunity of diminiſhing it.

It may then be truly ſaid, that on examination of the conduct of the King, under the three relations which have been above pointed out, independently of the particular cauſes which ought to have determined it, it was not only juſt and lawful, but even neceſſary as well for the individual intereſt of France, as for that of all Europe. Thus, ſo far has his Majeſty been from ſubverting all principle in allying himſelf with the Americans, that, on the contrary, it may be maintained, that he was at liberty to conſider and treat them as independent, after the publication of their Manifeſto of the fourth of July, 1776, and that in ſo doing, he has violated neither the law of nations, nor treaties, and that he has ſtill leſs done an injury to England, and broken the peace with that power.

Theſe conſequences will require a new degree of force and conviction, if the proceedings of the Court of London be taken into conſideration, not from the date of the laſt peace, but from the period when the Sieur Deane appeared in France, until that, when the Marquis de Noailles notified at

London

London the treaty of the 6th of February, 1778, the Britiſh Miniſtry began with conteſting the right of the King, to grant an aſylum to Americans, afterwards they pretended, that all commercial intercourſe with the United States ought to be interdicted to his ſubjects: Theſe two articles have given birth to inſinuations and to complaints inceſſantly renewed, and the Juſtificative Memorial treats this object with a violence, which proves, that the Britiſh Miniſtry had loſt ſight of the firſt principles of the law of nations, of treaties, and of the uſages of the ſea.

Whilſt the Britiſh Ambaſſador renewed without intermiſſion complaints, unjuſt in their object, and almoſt always deſtitute of proofs, the King demanded in vain from the King of England, juſtice for the daily violations of treaties and of maritime laws, for depredations and piracies exerciſed by his ſubjects, for inſults offered to his flag and to his territory; and whilſt his Majeſty, conſtant in his ſyſtem of moderation, exhauſted himſelf in acts of complaiſance towards England, and all the official ſteps of the Marquis de Noailles paſſed

without effect, the Britiſh Miniſtry, convinced, that notwithſtanding their formidable armaments, any ſubjugation whatever of the Colonies, was in future impoſſible, propoſed to Parliament the means of conciliation; they endeavoured at the ſame time, to open a ſecret negociation with the Commiſſioners of Congreſs at Paris; they were diſpoſed to yield every thing, even Independence in fact, provided they could retain a *nominal dependence*. But war againſt France, was to have been the price of ſo great a ſacrifice. The King, appriſed on one ſide of the offers and hoſtile views of the Court of London, and on the other of the unſhaken reſolution of Congreſs, not to ſuffer the leaſt trace of their former ſubjection to remain: The King, I ſay, did not heſitate, and he could not heſitate, to take a part; and there was one part only for him to take, that of attaching himſelf to the United States, by entering into treaty with them. If the King had acted otherwiſe, and had continued in that ſecurity with which the Court of London laboured to inſpire him, he would have been taken off his guard, and it is eaſy to foreſee the judgment which the preſent age and

poſterity

poſterity would have paſſed on his ſagacity, his wiſdom and his vigilence.

To deceive the other nations, with regard to the real motives which have directed the conduct of the King, the Britiſh Miniſtry maintain, that he entered into treaty with the Americans, not becauſe he feared the ſecret views of Great-Britain, but becauſe he foreſaw that the Americans defeated, diſcouraged, without ſupport and without reſources, were about to return to their mother-country, and that there was not a moment to be loſt in re-animating and confirming them in their oppoſition. It was without doubt, for the ſake of this aſſertion, that the Britiſh Miniſtry have thought it beneath the dignity of their Sovereign, to ſearch for the period at which France formed connections with the United States ; it might with greater truth be ſaid, that this reſearch did not coincide with their plan of defence. The King is willing to ſpare the Britiſh Miniſtry a taſk ſo diſagreeable and ſo embarraſſing, by obſerving for them, that the converſations which led to the treaties of the 6th of February, 1778, were conſiderably poſterior to the capitulation of

General

General Burgoyne. Now it is notorious that this event elevated the courage and the hopes of the Americans, as much as it dejected the Britiſh nation, and principally the Court of London. If then the King has liſtened to the propoſitions of Congreſs, after this period, ſo diſaſtrous to the Britiſh, it has not been, and could not have been for any other reaſon, but becauſe he thought with the United States, that their Independence was thenceforward irrevocable ; England herſelf, thought as the Americans did. The ſentiments of the nation were manifeſted by its repreſentatives, and thoſe of the Miniſtry by their conciliatory bills, and above all, by their clandeſtine advances towards a reconciliation. As to the Americans, they had very categorically expreſſed theirs, by rejecting with contempt the conciliatory bills, and the ſecret favours which were to ſerve both for their vehicle and for their ſupport, even before they knew of the negociation concluded between the Miniſters of the King and the Commiſſioners of Congreſs.

Under

Under whatever relation then the conduct of the King, with regard to America, be viewed, there is the cleareſt evidence ;

Firſt, That the law of nations, ſound policy and the example of England herſelf, authorized the King to regard the Americans as independent in fact, from the period of the 4th of July, 1776, and that he might with ſtill ſtronger reaſon do ſo, at that of the 6th of February, 1778 :

Secondly, That in regarding them as ſuch, and in forming connections with them, under that character, he has violated neither treaties nor the right of Sovereigns :

Thirdly, That in treating with them, he has not rendered himſelf guilty of perfidy :

Fourthly, That the treaty concluded with Congreſs, was no offence againſt England ; that conſequently, the act by which it was announced to that power, was not a declaration of war.

We might confine to theſe articles the anſwer which the Juſtificative Memorial ſeemed to require: But as this Court has charged it as a crime on the King, that he has afforded an aſylum in his dominions to Americans, and has permitted his ſubjects to open a direct commerce with the United States, it will not be improper to ſhew, to what an extravagance the Britiſh Miniſtry have carried their pretenſions on theſe two points.

In affording an aſylum to Americans, the King has only fulfilled one of the firſt duties of humanity, at the ſame time that he exerciſed a right inherent in ſovereignty, a right which belongs to all independent nations, which can not be reſtricted but by conventions, and the exerciſe of which is carried farther in England, than in any other State of Europe. The King had no reaſon to renounce the exerciſe of this right to the prejudice of Americans, becauſe this Nation has never offended him, and it would be the part of tyranny, an unheard of cruelty, to expel them from his dominions, becauſe they were unjuſtly oppreſſed by Great-Britain. The Americans have reſided in ſeveral countries of Europe;

Europe; is there any one of them, from which they have been compelled to depart? One in which they have not enjoyed the rights of hoſpitality? One in which they have not been as undiſturbed, and as ſecure as in the moſt inland provinces of America? Upon what ground then, does the Court of London pretend to make it a crime, in the King alone, that he has not hunted the Americans out of his dominions?

But the King has not only afforded an aſylum to Americans; he has likewiſe given admiſſion to their privateers and their prizes: And this is one of the principal complaints of the Court of London, upon which ſhe lays the greateſt ſtreſs, and which has furniſhed the moſt copious matter for her declamations, and her reproaches: A few words, however, will ſuffice to eſtabliſh the true principles relative to this point, and to demonſtrate, that the Britiſh Miniſtry have wilfully miſtaken them.

The King is maſter of his own ports, and may admit into them the ſhips of all nations of the world; this right extends to veſſels of war, as well as to merchant

merchant veſſels, and admits of no reſtrictions but thoſe which are eſtabliſhed by treaties. That of Utrecht contains ſome reſtrictions relating to veſſels of war; the fifteenth article imports in ſubſtance, that the contracting parties (France and England,) ſhall not permit their reſpective enemies to arm in their ports, to ſell their prizes therein, or to remain longer than may be requiſite to repair their damages, and to make the neceſſary proviſions for returning to ſea. This conduct the King has punctually obſerved, with regard to American privateers; his intention in this particular is aſcertained, by the moſt preciſe orders, and above all, by the execution of them: It is true, the Britiſh Miniſtry pretend, that theſe orders were illuſory, that they were tranſgreſſed openly with impunity, and even under the authority of government: But this accuſation is a calumny ſo much the more reproachful, as it is contrary to public notoriety, aſcertained even by the miniſterial gazettes, printed in America.

If it be pretended, that the King ought to have denied all retreat to American privateers, becauſe he ought to have conſidered them as pirates, it is aſked, by

by what right the King could have adjudged them ſuch? The Americans are not his ſubjects; he is neither the judge nor the arbiter of the domeſtic quarrels of England; he had adopted a neutrality, and he would have violated it, in the moſt ſhameful manner, by pronouncing on the condition of Americans. Theſe principles are certain, and to deny them, would be as truly matter of deriſion, as it would be a piece of adulation, an inexcuſable weakneſs, to depart from them. It is the Court of London alone, that has had pirates at ſea; theſe are her merchant veſſels, which, in profound peace, have ſeized upon French veſſels, and this Court will ſurely not maintain, that this proceeding was contrary to her orders or to her intentions, ſince the offenders, although announced, have remained unpuniſhed, and the ſhips taken have not been reſtored.

As to the liberty which the King has allowed his ſubjects, of eſtabliſhing a direct commerce with the Americans, it needs no juſtification, becauſe all nations muſt, on conſulting themſelves, be convinced, that his Majeſty might grant it, without doing injury to Great-Britain. It may not be amiſs

however, to make a few obſervations on this important queſtion.

In time of war, commerce may be divided into two branches ; the firſt comprehends innocent merchandiſes, the ſecond has for its object merchandiſes, known under the name of *military contraband.*

Nations which embrace the part of neutrality, continue with entire liberty the firſt ſpecies of commerce with the belligerent parties ; but the ſecond is prohibited, the merchandiſes may be intercepted and confiſcated, according to the regulations preſcribed, either by uſage or by treaties : In conſulting both the one and the other, it will be found, not, that a commerce in articles denominated *contraband,* breaks the neutrality, but that the individuals, who venture upon it, expoſe themſelves to ſimple confiſcation. Such is the law which has exiſted on this ſubject, between France and England ; it is ſtated in the nineteenth article of the treaty of Utrecht.

From

From the ſtipulations of this treaty it reſults, that the King was not obliged to prohibit to his ſubjects, in reference to America, either the commerce of innocent merchandiſes, or that of contraband, and that the only obligation they impoſed on him was, not to protect this latter ſpecies of commerce. To place this truth in its full light, the United States are to be conſidered under two different points of view, to wit, as ſubjects of Great-Britain, and as an independent People. On the firſt ſuppoſition, they owe obedience to the prohibitory laws of the Parent State, they are forbidden all direct commerce with every other country, except England: But does this prohibition, which is purely municipal, extend to foreigners? Has England the privilege of preſcribing laws to other nations? Has ſhe a right to prohibit a Frenchman, a Dutchman, &c. to make ſhipments for America? If ſhe had this right, ſhe would alſo have that of exerciſing it; ſhe would then have that of performing acts of ſovereignty over other nations: The prohibitory laws of England cannot be in force but within the limits of her ſovereignty, and if ſhe extends them further, ſhe violates the public ſecurity, the

liberty

liberty of the ſeas, the Independence of nations; ſhe does an injury to all Sovereigns. This is the way in which the Court of London herſelf explained this matter, during the diſputes which ſhe had with the Court of Madrid, and which led to the treaty of Pardo *(z)*.

Thus

(z) It is an eſtabliſhed principle among the European powers, which have colonies, that the trade of their colonies is excluſive, that is to ſay, that no foreigner has a right to partake of it. This univerſal uſage has been at all times more or leſs infringed, in proportion to the advantages preſented by a clandeſtine commerce. That of the Spaniſh continent, in America, offered ineſtimable ones to the Engliſh, and they were very far from neglecting to embrace them. They carried on the contraband with an inſupportable audacity, and obliged the Court of Madrid to employ the means of force to reſtrain them. This Court eſtabliſhed for this purpoſe Guarda Coſtas, with orders to ſtop and viſit every Britiſh veſſel ſailing along the Spaniſh coaſts, and laden with contraband merchandiſe.

The Guarda Coſtas gave too great a latitude to their orders; they ſtopped Engliſh veſſels at open ſea, and a very conſiderable number of theſe veſſels were confiſcated, becauſe they were laden with merchandiſes, ſuppoſed to be either the growth of Spaniſh colonies, or deſtined for thoſe colonies;

The

Thus, according to England herſelf, the prohibitory laws, relating to America, can have no operation, except within the vicinity of the American

 coaſts,

The Court of London complained bitterly of the proceedings of theſe Spaniſh Guarda Coſtas: ſhe maintained, that the ſea was free in America, that no treaty had reſtricted this freedom; that Spain conſequently could not controul the navigation of Britiſh veſſels, or ſtop them, until they ſhould be within their ports, harbours and rivers, or within a certain diſtance from her coaſts. Theſe principles, founded on the right of nations, were conſecrated by the treaty of Seville, 1729; but the Britiſh continued their clandeſtine commerce, and the Spaniſh Guarda Coſtas, on their ſide, continued to abuſe the orders of their Court; inſomuch, that the diſcuſſions were renewed, and with ſo much acrimony, that the King of England was determined to grant letters of repriſal. The matter was warmly agitated in Parliament, during the ſeſſion of 1738, and the two Houſes preſented to the King the following addreſs:

"Resolved, *Firſt*, That the ſubjects of Great-Britain have an evident and inviolable right to navigate in the American ſeas, as well in returning from, as in going to, any part of the dominions of his Majeſty, and to carry on ſuch commerce as is lawfully permitted to them, as alſo to tranſport all merchandiſes and effects, from one place within his Majeſty's dominions to any other, and that the effects ſo tranſported, ought not, in virtue of any treaty, to be conſidered as contraband or prohibited

merchandiſes,

coaſts, which, agreeable to received principles, is deemed to make a part of that continent. The reſult is, that Great-Britain has no right to ſtop, at open ſea, and ſtill leſs to confiſcate foreign veſſels, bound

merchandiſes, and that it is a manifeſt violation and infraction of the treaties ſubſiſting between the two Crowns (of Spain and England, *to viſit ſuch veſſels at open ſea*, under pretext, that they are freighted with contraband or prohibited merchandiſes.

" Resolved, *Secondly*, That it appears to the Houſe, that ſundry veſſels, as well as their cargoes, belonging to the ſubjects of Great-Brjtain, have been by violence ſeized and confiſcated by the Spaniards, uuder pretences altogether unjuſt and ill founded, and that thereby the liberty of commerce and of navigation, appertaining to the ſubjects of his Majeſty, according to the right of nations, and in virtue of treaties ſubſiſting between the Crowns of Great-Britain and Spain, has been infringed and interrupted, in a manner which cannot be juſtified, to the great prejudice of our merchants, and in direct violation of the aforeſaid treaties."

The King of England approved of this addreſs, and ſuppoſed he ſhould fulfil the wiſh and object of it, by the treaty of Pardo, 1739: It is well known, that by this treaty the contracting parties agreed to appoint Commiſſioners, for the purpoſe of deviſing means to prevent new ſubjects of complaint, and that the damages due to Great-Britain, after deducting the demands made

bound for America, whatever be their cargoes; and that ſhe can not exerciſe this double right, but in caſes where ſuch veſſels are ſo near the American coaſts, as to be deemed within the territory of Great-Britain.

If on the other hand, the Americans be viewed in the light of an Independent Nation, or if it be thought better, a Nation with which England is at war; in that caſe, neutral nations have no obligations to fulfil, but thoſe impoſed on them either by uſage,

made on Spain were liquidated, at the ſum of ninety-five thouſand pounds ſterling.

The treaty in queſtion was ſubmitted to the inſpection of the Britiſh Parliament; it gave riſe to debates, animated, long, and intereſting, all of which had for their baſis, the indefinitive liberty of navigation: It was charged as a crime on the Britiſh Miniſtry, that they had not ſtipulated it in the moſt explicit terms, conformable to the addreſs of the two Houſes; the ſum of ninety-five thouſand pounds ſterling, at which the loſſes of the Britiſh merchants had been fixed, was conſidered as inſufficient: In fine, the clamours of Parliament prevented the ratification of the treaty of Pardo, and occaſioned repriſals, and in the ſequel an open rupture between the Courts of Madrid and of London.

uſage, or by treaties. Thoſe which France is bound to acknowledge, are defined in the nineteenth and twentieth articles of the treaty of Utrecht.

The regulations contained in theſe articles, authoriſe the commerce of innocent merchandiſes, and they do not oblige the King to prohibit his ſubjects to carry arms and warlike ſtores to the enemies of Great-Britain; they ſimply declare, that in caſes, where veſſels laden with this ſpecies of merchandiſe, ſhall be met with, even at open ſea, they may be ſeized and adjudged lawful prizes: So that contraband cargoes do not affect the King; he is not obliged to hinder them, and the only right, granted in this reſpect to England is, that of confiſcation. From theſe details it reſults, that in whatever points of view the Americans be regarded, England cannot with juſtice require of the King, that he ſhould prohibit his ſubjects to trade with them, and ſtill leſs, that he ſhould puniſh them, for having dared to do it. This concluſion will ſerve to determine the juſtneſs of the declamations, in which the Britiſh

Miniſtry

Miniſtry have thought fit to indulge themſelves againſt his Majeſty, for not having purſued with vengeance thoſe of his ſubjects, who, enjoying the liberty, appertaining to all nations, have furniſhed merchandiſes to the Americans.

It is true, that in order to give to their complaints an appearance of foundation, they cite promiſes made by the King, and infractions of them, which he not only tolerated, but even authoriſed and encouraged; and to expreſs the perfidy of France, in two words, they accuſe his Miniſters of having exhauſted all the means of *artifice* and of *diſſimulation*, in order to lull Great-Britain—— to divert the effect of her reſentment from the birth of the American troubles, to the moment when the Marquis de Noailles preſented the declaration of war——It is certain, that the King had promiſed to prohibit the exportation of arms for America; they were prohibited in fact, and whatever the Engliſh Miniſtry may ſay on the ſubject, it was prevented, as far as was poſſible, without encroaching on the liberty of citizens, without ſubjecting commerce to an inquiſition, of

which there is no example in any corner of the univerſe, and with which the Britiſh themſelves would have reproached us, as an intolerable deſpotiſm.

According to Lord Stormont, the prohibition of the King was tranſgreſſed daily, publicly, and even with the knowledge and under the eyes of public officers, whoſe buſineſs it was to watch over the execution of it. It is poſſible indeed, that French merchants may have run the riſk, under falſe clearances, of ſhipping arms for America. But the greater part of the informations given in to the Britiſh Ambaſſador, were found either to be falſe, or unſupported by ſufficient proof; ſo that it was impoſſible to convict, and conſequently to puniſh the guilty, without carrying, not complaiſance, but the abuſe of authority ſo far as to regard the ſuſpicion or the information of a ſpy, as legal and unexceptionable evidence. This is in truth, what Lord Stormont wanted; but the King could not but reject, as the Court of London wanted to have done, a requiſition of this kind.

Beſides,

Beſides, although the King were to admit, that a bare ſuſpicion, concerning the deſtination of French veſſels, would juſtify the ſtopping of them, and that thoſe particular veſſels were guilty of a manifeſt contravention, in having on board merchandiſes, ſuited to the Americans, it would not be the leſs certain, that all the condemnations, paſſed in the Britiſh Vice-Admiralty Courts, are unjuſt, becauſe they are all contrary to the tenor of treaties. In reality, the twenty-fourth article of the treaty of Utrecht, imports, that every veſſel of war or privateer, ſhall keep out of reach of merchant veſſels, and ſhall content themſelves with ſending a boat, with two or three men, to examine their ſea papers; and according to the twentieth or twenty-fifth *(a)* articles; theſe papers, if, on examination, they appear to be regular, ought to be a ſufficient juſtification of the merchant's captain, and in ſuch caſe the veſſel of war ought to abſtain from all further viſitation: Laſtly, the twenty-ſixth article imports, that in caſes of contraband, the merchandiſes alone,

enumerated

(*a*) Add the ſeventh article of the Convention entered into, in conſequence of the treaty of Utrecht.

enumerated under this title, in the nineteenth article, can be lawful prize ; the ſurplus of the cargo, as well as the veſſel, ought to be reſtored. All the ſtipulations are ſo preciſe aud clear, that they require not comment nor admit ſubterfuge : It is a fact, notwithſtanding, that they have, all of them, been violated, with reſpect to the prizes carried into the ports of the Britiſh dominion, and that the judges have paid as little regard to them as the captors. The Court of London will not ſurely deny this aſſertion, or if ſhe thinks fit to do it, it is to be preſumed, that ſhe will ſupport her opinion by examples.

From a review of all the details, into which it has been neceſſary to enter, it appears, that the Court of London is ſo far from having any juſt ground of reproach againſt the King, that his Majeſty may, on the contrary, with the greateſt truth affirm, that the conduct of Great-Britain, with reſpect to him, has been a continued and premeditated violation of the law of nations, of the uſages of the ſea, of the regulations preſcribed by treaties ; that the leaſt conſiderable of the facts, with which the

King

King may reproach the Court of London, would have led a Prince, leſs pacific than his Majeſty, to have declared war againſt it; in a word, one of the principal objects, for which his Majeſty has taken arms, is to put an end to the predominance, and to the habitual and ſyſtematic aggreſſions of Great-Britain, to reſtore to all nations the rights, which his all-graſping power has uſurped; in fine, to procure to the world an entire tranquility, whoſe direction ſhall no longer depend on the caprice and avidity of the Court of London.

The laſt point, with regard to which it is expedient to re-eſtabliſh the truth, is the origin, the progreſs, and the iſſue of the mediation of the King of Spain. The Britiſh Miniſtry ſet out, with advancing in a tone of aſſurance, which cannot but aſtoniſh, that it was the King who firſt ſolicited the mediation; and they repreſent the generous endeavours of Spain, firſt to prevent a war, and afterwards to ſtop its progreſs, as ſo many acts of perfidy and falſehood, concerted with his Majeſty.

The King forbears to enter into a detail of the circumſtances which preceded the mediation, of the ſteps taken by the Catholic King, to gain the concurrence of his Majeſty, of the pains which he has taken, to render it effectual, of the cauſes which have forced this Prince to withdraw it, and of the events which have enſued : Theſe points have been diſcuſſed with equal clearneſs and preciſion in the *Expoſè des Motifs*, (Explanation of the Motives) publiſhed by order of the King, and in the obſervations made on them by the Court of Madrid.

The Catholic King affirms, that it was not the King who made the firſt overtures relative to the mediation, that they came to him from the Britiſh Miniſtry, through the channel of the Chevalier Eſcarano. The honor and the probity of this Monarch, are too well known for his affirmation, not to prevail againſt that aſcribed in the Juſtificative Memorial *(b)* to the Court of London, and the King thinks, he may diſpenſe with giving it the ſupport of his teſtimony. It is to be obſerved at the

ſame

(*b*) A publication by the Court of London.

ſame time, that if his Majeſty endeavours to juſtify himſelf againſt the falſe aſſertion in queſtion, it is not becauſe he would bluſh at having made advances for the conſervation of peace, but becauſe he thinks it his duty to make known to the public, how far the Britiſh Miniſtry have regarded truth throughout the whole of their performance, and to ſhew the ſtudied malignity, with which they have laboured to throw a ridicule on his Majeſty, as well as on the Catholic King.

The King, who had no views of ambition, and with reſpect to whom the war juſt breaking out, was an affair not of choice but of neceſſity, accepted with the utmoſt readineſs the tender made by the Catholic King, of his mediation ; and he conſented to enter into negociation with the Court of London, on condition, that the United States of America ſhould be included in the reconciliation, which was to be the reſult of it. It is evident, that this anſwer was as ſatisfactory, as the Court of London could naturally deſire, unleſs ſhe expected, that the King would debaſe and diſhonor himſelf, without neceſſity——and in the eyes of his

his enemies themſelves, by abandoning the Americans at the very moment, when he had juſt bound himſelf to them by ſolemn treaty.

The diſpoſitions of the King were communicated to the Britiſh Miniſtry; but ſo far were they from concurring in them, or to ſpeak more properly, from perſevering in thoſe which they had at firſt manifeſted, that they required, as a preface to all negociation, that the declaration made by the Marquis de Noailles ſhould be revoked. Thus, the Court of London wanted, that the King ſhould ſubſcribe, as a preliminary, to a condition, which nothing but the moſt diſaſtrous events of war could render admiſſible. The Britiſh Miniſtry had certainly conceived no ſuch hope; they had held a conciliating and pacific language, becauſe it behoved them to gain the time neceſſary for compleating their preparations for war againſt France, and they had accompliſhed this important object, when they made their declinatory anſwer to the Court of Madrid.

However

However it may have been, the propoſition contained in this anſwer, diſguſted the King of Spain, and this Prince would have thought it derogatory from his character, to adviſe the King to accede to it.

Thus the mediation came to nothing, through the proceedings of the Court of London herſelf; and it is evident, that ſuch was her intention, ſince ſhe loſt not a moment in ſending a fleet to ſea, and in commencing hoſtilities, by attacking and making prize of his Majeſty's veſſels: But the iſſue of the engagement off Uſhant, demonſtrated to the Court of London, that her arms were not invincible, and led the Britiſh Miniſtry a-new into ideas of peace: Several of their emiſſaries ſent into France, ſounded indirectly the Miniſters of the King, others addreſſed themſelves directly to them, and all received for anſwer, that the diſpoſitions of his Majeſty had not changed; that he was ready to treat on the principles ſtated in the firſt overtures made by Spain.

There were even ſome, to whom the conditions, on which the King would make peace, were confidentially imparted ; theſe conditions were :

Firſt, The Independence of the United States.

Secondly, The infranciſement of the city of Dunkirk, from the inſpection of the Court of London.

Thirdly, The freedom of the commerce of the Indies, and of Africa.

Fourthly, An equitable regulation of the fiſhery of Newfoundland.

The firſt of theſe conditions was a duty; the King could not have receded from it, without ſhamefully violating his faith.

The ſecond was a point of convenience, and concerned the dignity of his Crown.

The third and fourth were dictated by juſtice, and preſented not the leaſt difficulty.

The

The Britiſh Miniſters dropped the overtures they had made to the Miniſters of the King; but they thought proper to continue them at the Court of Madrid——they invited a-new the mediation of the King of Spain, and authoriſed his Catholic Majeſty, ſo much the more, to believe their intentions ſincere, becauſe they had declared, that they aimed at nothing further than to ſave the honor of the Britiſh Crown, without doing the leaſt injury to that of France.

The Catholic King communicated to the King the new overtures of the Court of London, and renewed his exhortations to peace. His Majeſty not only gave an immediate and ſatisfactory anſwer, but communicated alſo to the Court of Madrid, the conditions on which he conſented to treat with England: Theſe conditions were only a repetition of theſe juſt mentioned.

The King of Spain, aſſured in the moſt poſitive and irrevocable terms, of the intentions of the King, invited the Court of London, to confide to him, on her part, the conditions on which ſhe

thought

thought ſhe could make peace ; but this Court, habituated to an inſidious policy, which her ſecret views ſeemed no doubt, to make neceſſary to her, anſwered verbally in ſuch a manner, as ſtrengthened the hopes of the Catholic King, at the ſame time, that her official anſwer deſtroyed them, by renewing her firſt propoſitions. Two months almoſt were ſpent by the Britiſh Miniſtry, in digeſting this double anſwer, or rather, in perſuading themſelves, that the contradiction it contained, would eſcape the cabinet of Madrid. A conduct, ſo little frank, and intentions ſo little ſatisfactory, did not diſcourage the Spaniſh Court, however diſreſpectful they were to th e Catholic King.

This Prince, in the expectation of a favorable reſolution, on the part of England, had propoſed eventually to the King, to agree to a truce for a long period ; his Majeſty aſſented to this new plan, on condition, that the Americans ſhould be comprehended in it, and treated, during its continuance, as Independent in fact, and to facilitate, as much as poſſible, the ſucceſs of the meaſures, which the Catholic King propoſed to take at London, his Majeſty

jeſty conſented to a direct negociation between the King of England and the United States, unleſs this Prince ſhould like better to treat through the intervention of the Court of Madrid.

It was not poſſible to have given an anſwer more conformable to the views of the King of Spain, and this Prince thought them ſo analogous to the deſire which the Court of London had manifeſted to him, of peace, that he did not heſitate to communicate them to her.

The Britiſh Miniſtry delayed, from the month of January, of the laſt year, till the ſixth of March, to give an anſwer. This anſwer, equivocal as it was, led the King of Spain to believe, that the King of England was ſincerely diſpoſed to a reconciliation, as well with France as with the Americans, and this preſumption determined his Catholic Majeſty to propoſe a new plan, as his *ultimatum*. According to this plan, an unlimited truce was to have been agreed on, both in Europe and America; during its continance, the United States were to be conſidered as Independent in fact; the truce was

not to be broken, without a previous notice of one year, each of the two parties were to retain poſſeſſion of whatever they ſhould hold, at the moment of the ratificatien of the truce ; laſtly, the King of England, was to be at liberty to treat either of a truce or a peace, directly with the Americans.

Theſe propoſitions, ſo preciſely analogous, to the overtures of the Court of London itſelf, were communicated to it, without the knowledge of the King, becauſe the Catholic King was unwilling to expoſe himſelf to the delays, which might be occaſioned by the obſervations of the King in the *ſtatu quo*, to which, in fact, he never could of himſelf have ſubſcribed, becauſe it was contrary to his engagements with the Congreſs, which, from being eventual as they ſtood at the concluſion of the treaties, had become efficient and definitive, from the date of hoſtilities ; and the Catholic King himſelf avows, that he had made his propoſitions in England, with no other view, than to ſatisfy his extreme deſire of contenting the Court of London.

But

But the King of England affected to reject with diſdain the propoſitions of the Court of Madrid, as contrary to his honor, at the ſame time that he was making clandeſtine attempts, to gain the aſſent of the Americans to a part of them, without the knowledge of France and Spain. This offenſive proceeding extinguiſhed in the Catholic King all hope of a ſpeedy reconciliation, and this Prince ſaw himſelf forced, at length, to take arms, as well to avenge his perſonal affronts, as to fulfil the obligations, by which he was bound to his Majeſty.

Such is the faithful hiſtory of the mediation. His Majeſty might diſpence with making any reply to the reflections, which the Britiſh Miniſtry have made, on the ſeveral propoſitions of the Court of Madrid, not only becauſe he did not ſuggeſt them, but alſo becauſe he had never ſubſcribed to thoſe concerning the *ſtatu quo*, being unauthorized ſo to do, by the United States. His Majeſty nevertheleſs thinks, he may indulge himſelf in a few remarks on this ſubject.

It is certain, that at the period, when the mediation was ſet on foot, England had not yet received the checks requiſite, to force her into a peace, but this power had ſuſtained for four years a war againſt her antient Colonies, no leſs fruitleſs than expenſive, and circumſtances had obliged the King, to make a common cauſe with them; on another ſide, the Court of London knew the engagements, which united thoſe of Verſailles and Madrid; ſhe was perfectly informed of the conſiderable armaments, that were going on in the ports of Spain, the Catholic King had clearly pointed out their deſtination in ſeveral overtures, and the Britiſh Miniſtry themſelves have acknowledged, that they were not unacquainted with it. In this ſtate of things, what part ought prudence to have naturally ſuggeſted to the Court of London, that of perſiſting in a murderous and deſtructive war? Of embracing the path, that was opened for her to peace? Yielding to the neceſſity of circumſtances, which ſhe herſelf had brought about?

The King of Spain might, without inſulting England, without exciting her indignation, and even

even without wounding her delicacy, ſuppoſe that ſhe would take counſel, from her ſituation, rather than from her pride; that inſtead of attaching herſelf to metaphyſical diſtinctions, ſhe would have lent a ready ear to an expedient accommodation: The King of Spain not only hoped, that this would be the caſe, but he wiſhed it with ſo much the more ſincerity, as he ſaw with concern, that the moment was arrived, when his engagements, joined to the refuſal of juſtice, with which he had to charge the Court of London, would oblige him finally to take part in the war.

Under theſe circumſtances, could Spain be blameable for having ſuppoſed, that the Britiſh cabinet would admit of an indefinite truce, and conſent to treat with the Americans as independent in fact? Surely, the Catholic King might propoſe this latter condition to the Court of London, after the capitulation of General Burgoyne, after the ſending of Commiſſioners of peace; and his Catholic Majeſty could never have imagined, that the Britiſh Court would regard, as an injury, conditions far leſs

extenſive, than thoſe which Holland required and obtained in 1610, from Philip III, under the auſpices of Great-Britain.

At the ſame time that the Britiſh Miniſtry have laboured to repreſent the good offices of the King of Spain, as the effect of diſſimulation, of fraud, and of criminal concert——they have endeavoured to turn into ridicule the conſent given by the King, to a direct negociation between England and the United States ; but two words will ſuffice to annihilate the ſwelling phraſes, by the aſſiſtance of which, the Britiſh Miniſtry have endeavoured to render ſupportable their reflections, with regard to this.

The King had concluded with the Americans a treaty of alliance, which the Britiſh themſelves had put in force ; one of the articles of this treaty imports, that in caſe of war, neither of the two contracting parties, ſhould make either peace or truce, without the other ; this ſtipulation appeared to the King to tie up his hands, and to reſtrain him from acceding to the firſt overtures, which had been held

held out in the mediation : His Majeſty took upon him, to remove this obſtacle, and he conſented the more readily to a ſeparate negociation, between Great-Britain and the Americans, becauſe ſuch an expedient would ſave the Court of London the mortification of treating with France, concerning the fate of her antient ſubjects. It is this conciliating ſtep, which the Britiſh Miniſtry endeavour to ridicule, by ſaying, that his Majeſty has pretended to grant to the King of England, as a favor, the liberty of treating directly with his rebel ſubjects.

The Court of London having then peremptorily rejected the mediation of the King of Spain, after having deceived him for a moment, by an appearance of the moſt pacific intentions and overtures, this Prince was forced to take part in the war. Such a determination ought not to have ſurpriſed the Britiſh Miniſtry, becauſe the Catholic King had clearly indicated it at ſeveral times : They were, nevertheleſs, ſtruck with the utmoſt aſtoniſhment, becauſe they had flattered themſelves, that, by their artful language, the eulogiums, they had inceſſantly

ceſſantly beſtowed on the juſtice of their Sovereign, on his ſincere friendſhip for his Catholic Majeſty; by the promiſes conſtantly renewed, to do juſtice to the Spaniards; by their pains, to render France ſuſpected: they have flattered themſelves, I ſay, that by theſe artifices they ſhould ſucceed, in detaching the Court of Madrid from her alliance with the King, in effacing from the mind of the King of Spain the injuries offered to his dignity, and in determining this Prince, to remain at leaſt, a quiet ſpectator of the terrible blows, which the King of England flattered himſelf, he ſhould give to the French Monarchy.

Theſe details will be ſufficient, without doubt, to ſhew the public, with what hardineſs the *Juſtificative Memorial* impoſes on them, in the facts relating to the mediation, and to convince every impartial reader, that neither the King, nor the King of Spain, have, on this important occaſion, falſified the principles of honor and probity, which they profeſs, and that theſe two Sovereigns have, on the contrary, given the moſt evident proofs of their love of peace; that it is the Court of London

don, who has challenged the Catholic King; that it is this Court, that has put arms into his hands, as ſhe had before put them into the hands of his Majeſty; in a word, that it is ſhe, that has rendered neceſſary the efforts, which the two Monarchs are making, to put an end to the abuſe, which ſhe has too long made of her power.

F I N I S.

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